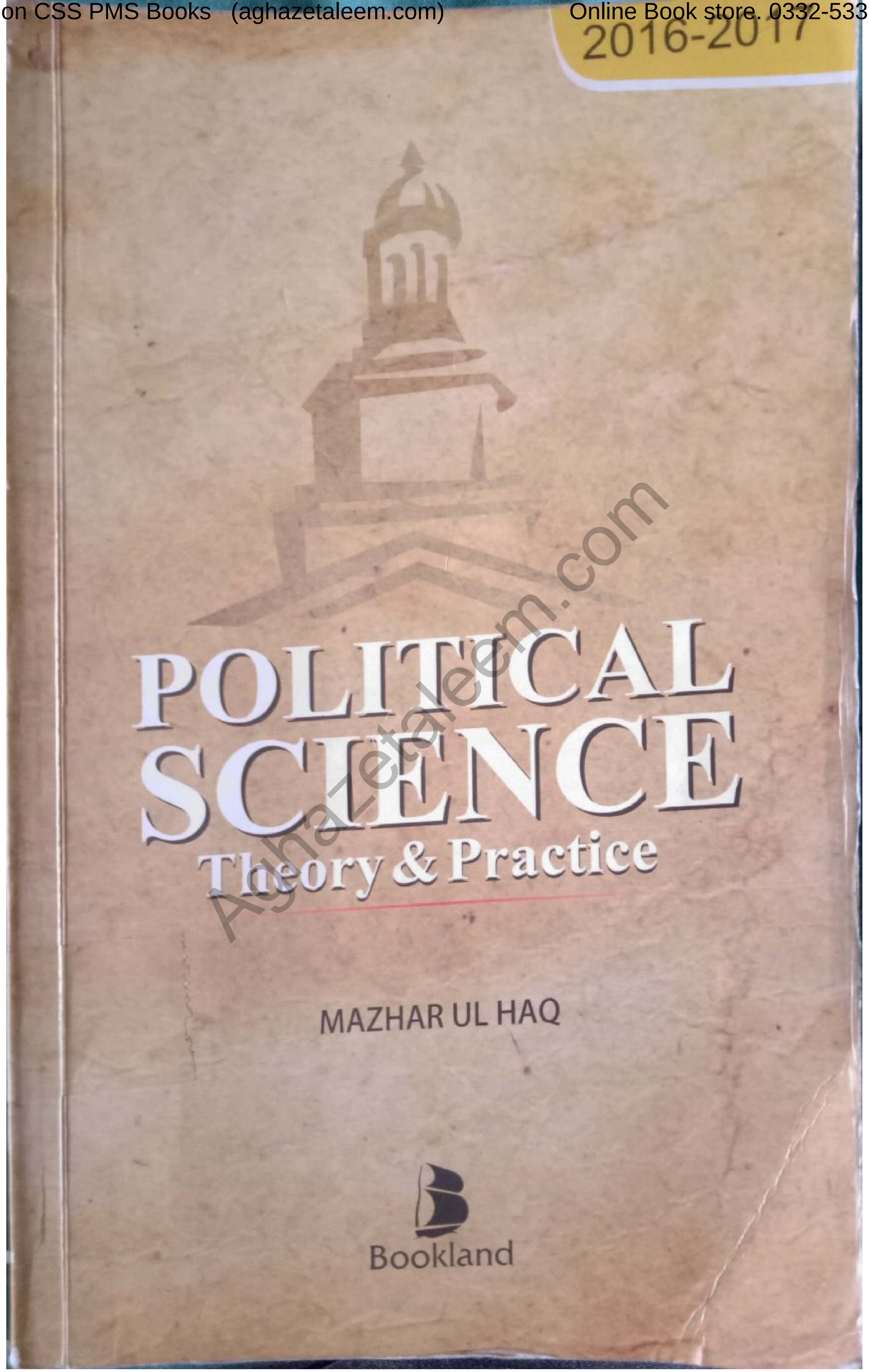

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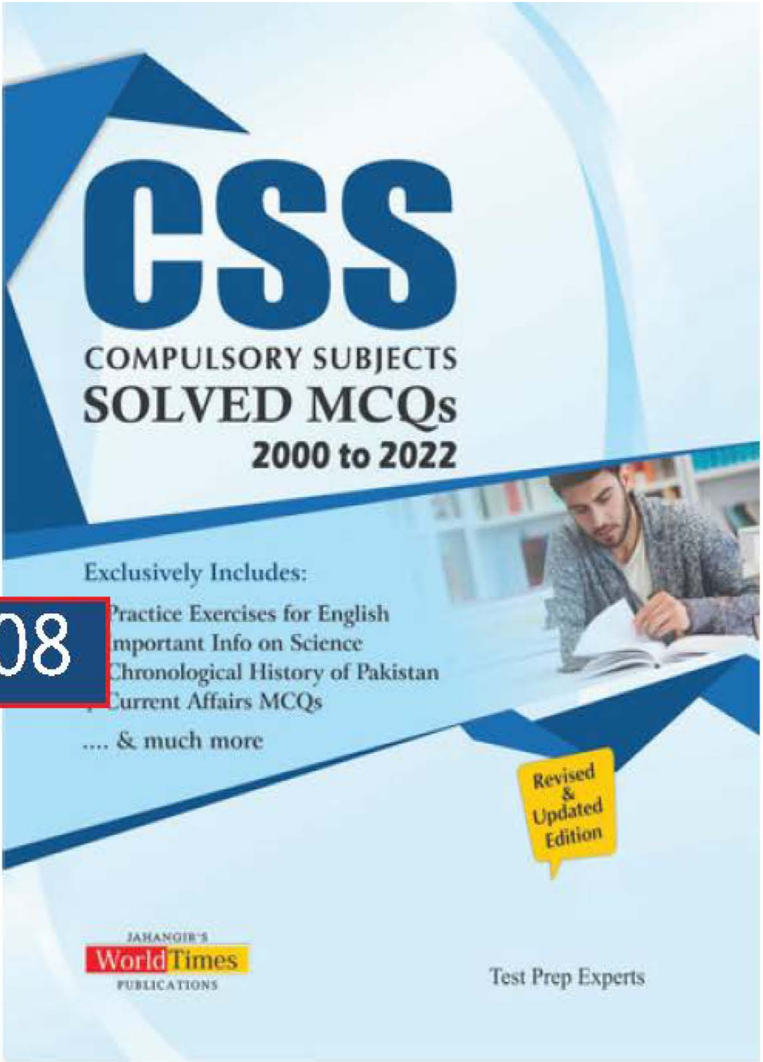
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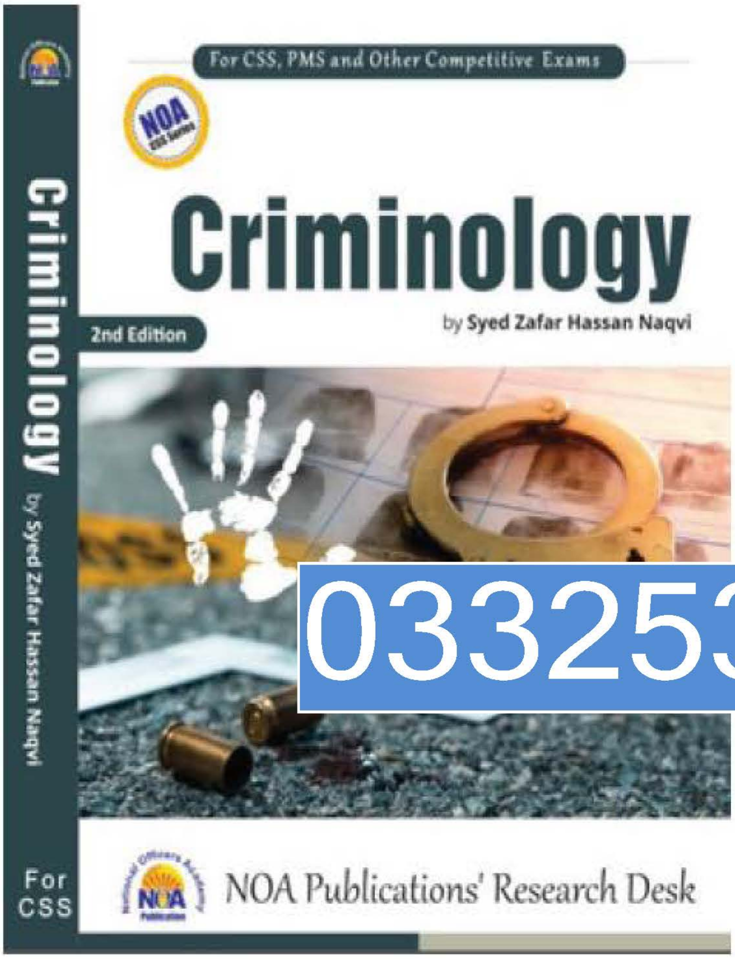
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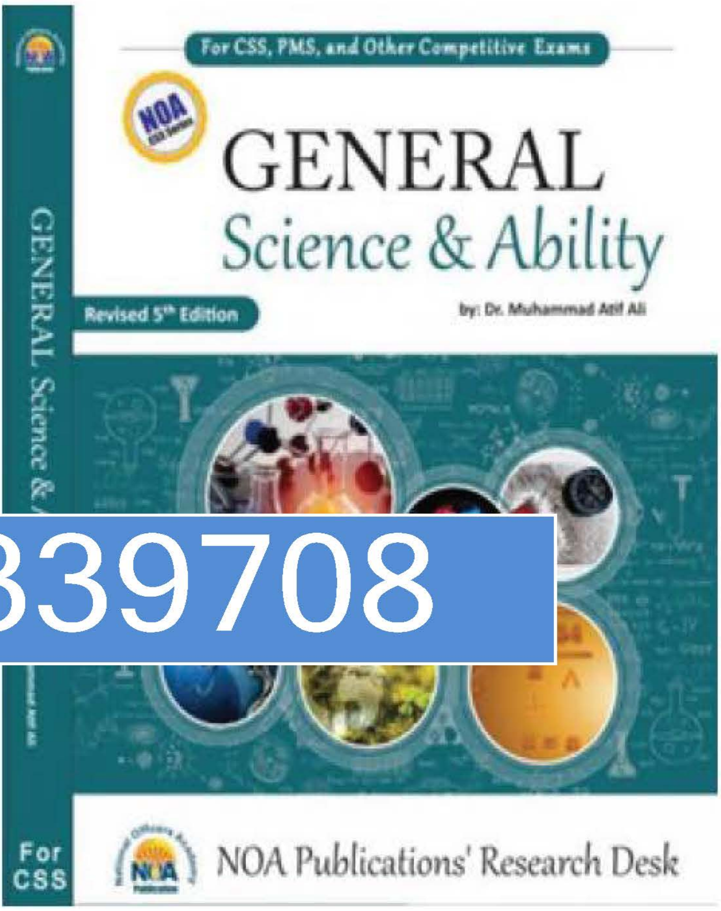
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Theory & Practice

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MAZ

Political Science

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Preface to the New Eighth Edition

Science is always changing, always developing, because new facts are discovered, new theories expounded and new thoughts developed. Hence it is always becoming a new knowledge. It thus becomes a new way of looking upon the facts and conditions of life and nature. Hence science cannot remain the same for ever. In other words, science is an instrument for discovering new knowledge and developing new thoughts and new ways of thinking. The same is also true of Political Science. It too is changing; it too is growing and developing constantly, as new facts are discovered and new theories are expounded As I have explained in a chapter of this book, even in Pakistan Political Science has changed, though its progress is not so fast as in the developed countries of the West. Many old theories were challenged or discarded and new ones introduced by various schools of political scientists and thinkers, especially in the Western countries. They have influenced the teaching of Political Science in Pakistan also. Consequently, the syllabuses of various universities in our country have been revised and updated from time to time, especially after 1980.

In view of the new syllabuses of the Pakistani universities, I have thoroughly revised my book. It was formerly entitled PRINCIPLES OF POLITICAL SCIENCE. But in view of the changes and additions introduced in it, I have brought it out under a new title: POLITICAL SCIENCE THEORY AND PRACTICE. Though much of the old edition is still retained in it. nevertheless all new theories and explanations of the phenomena of politics have been incorporated in the new edition. I hope that it will not only present a comprehensive survey of the modern developments in Political Science, but will also meet all the requirements of the teachers and students of the degree classes as prescribed in the syllabuses of the Pakistani Universities. (For their convenience, these syllabuses are also copied in the beginning of this book).

Nonetheless, I request the readers to point out any shortcomings in it. I shall most gratefully welcome their opinions and suggestions for further improvements.

December, 1990 MAZHAR-UL-HAQ

Preface to the Seventh Edition

It is a matter of great pleasure to bring out a new edition of our book, which bespeaks much of its popularity. I have thoroughly revised this edition and re-structured the subject-matter in the light of the new syllabus of the Pakistani Universities. It has been accordingly, divided into eight parts, with each part dealing with a particular branch or aspect of the modern science of Politics. I hope that the present form of the book will fully meet the requirements of the students as well as fulfil the needs of the modern approach to Political Science.

October, 1973 *Mazhar-ul-Haq*

Preface to the Fifth Edition

Political Science is a vast subject of universal interest, with increasing importance. It deals with a very wide field of human life of great complexity. My aim in this book has been to give a brief but compact survey of this vast and varied knowledge. It is, however, neither possible nor desirable that a student of this science should rely on a textbook alone. I would recommend that every reader of my book should acquire a full and comprehensive grasp of this subject by supplementing his reading of this book with the following additional sources:--

Firstly, by studying as many of the books suggested in the footnotes as possible,

Secondly, by reading as many relevant newspapers, magazines and other periodicals, both general and academic as possible published in our country and abroad,

Thirdly, by listening to the radio and television newscasts, commentaries. views and reviews of political import;

Fourthly, by consulting, wherever necessary, such general information and reference books and publications as yearbooks, encyclopedias, statute books, legislative records, government publications and personal documents like diaries, letters and memories, etc. of politicians and political leaders; and

Fifthly, by personally observing, whenever an opportunity is available, political men and movements, meetings and personalities, not as an active participant but as an observant student, from the side-lines, so to say.

If approached on these lines the study of Political Science will not only afford its students a better grasp of the subject but make them intelligent and good citizens as well.

16th September; 1969 MAZHAR-UL-HAR

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PART I
NATURE OF POLITICAL SCIENCE

Political combat is made up not only of the battle for power, but also includes battles between the powers, because power is never totally unified.

—Maurice Duverger.

The man who classifies facts of any kind whatsoever, who sees their mutual relations and describes their sequences, is applying the scientific method and is a man of science. The facts may belong to the past history of mankind, to the social statistics of our great cities, to the atmosphere of the most distant stars, to the digestive organs of a worm, or to the life of a scarcely visible bacillus. It is not the facts themselves which make science but the method in which they are dealt with.

—Karl Pearson.

Those who deny the existence of a political science, if they mean that there is no body of rules or laws from which a prime minister may infallibly learn how to command a majority in Parliament, they would be. right as to the fact, but would betray a rather inadequate notion of what science is

—Sir Fredrick Pollock.

One aspect of the task of the systematic student of politics is 10 *describe* political behaviour in those social situations which recur with sufficient frequency to make prediction useful as a preliminary 10 control.

—Harold D.Lasswell

Chapter 1

Nature and Scope of Political Science

Man, by nature, is a political animal. Owing to his multiple needs, food, shelter, warmth, sex, defence and the like, he has to live with others. While trying to satisfy these needs, men and women have to work and co-operate, compete and may even come into conflict with each other. All these create problems of various dimensions. One of the most important problems is to organise human activities and relations to satisfy the basic needs and to promote co-operation and prevent conflicts among people, to settle disputes as and when they arise, so that human life and society may be better, happier and more productive. The problem is, indeed, very important. If it is not tackled properly, human life and society suffers resulting into endless disputes, anarchy, misery, poverty and even the end of all social life. But if it is solved properly, peace, plenty and progress will be the result. Accordingly, every society needs to have such institutions, laws and men and women of authority or power as to regulate all activities, value relations and interests of all persons and groups living in it. A society which is regulated by laws and by men and women of authority or power is a politically organised society, i.e., some political system exists therein. Political Science is a science or study of such a politically organised society, political system or State. It is a study of political process, or of men and women in the process of governing themselves. It is the application of scientific method to the study of political affairs and events.

Definition of Political Science

In a learned discourse, definition of a subject of study comes after it has been first properly explained. But in a textbook it is customary to begin with the definition of the discipline, so that its students may have some idea of what they are going to study. It is especially necessary for beginners. This is the reason why we shall first define Political Science before we explain its nature, scope, importance and other aspects.

Political Science was defined in two different but interrelated ways, namely (i) study of the political institutions, the State or government, and (ii) study of the phenomenon of power or force in human society.

In the beginning, Political Science has been defined as a systematic study of the political institution of the State or government Dr. Stephen

Leacock says simply that Political Science deals with government. Professor G.W.Garner says "Political science begins and ends with the State." A French author, Paul Janet, writes that Political Science is that "part of social sciences which treats of the foundations of the State and the principles of government." The Swiss writer, Bluntschli defines Political Science as "the science which is concerned with the State and endeavours to understand and comprehend the State in its fundamental condition, in its essential nature, its various forms of manifestations and its development."

Later, Professor G.E.G. Catlin approached the study of political science from the standpoint of power. "All politics", he writes, "is by its nature power politics" Accordingly, he defines Political Science as "the science of" organised power in all communities". Again he says, "Politics is a study of all the plurals of the objective control of the relations of human beings and wills". He adds further, "Social activities, such as free play and art, not involving control, lie outside the primary ambit of politics."

Since the end of the Second World War (1939-45), Political Science has been defined as an empirical and functional science. It is a new approach to the study of this science. (We shall study various approaches to this science later on) Harold D. Lasswell, an American political scientist, declares that political science is primarily concerned with the question: "who gets what, when and how?" Accordingly he defines it "as an empirical discipline, as the study of the shaping and sharing of power". He adds further that it is a science of "a political act performed in power perspective." David Easton, another American political scientist, has approached political science in strictly behavioural terms. He defines political science as "the study of those actions more or less directly related to the making of authoritative allocations of resources and values."

The two kinds of definitions of Political Science describe really two interrelated aspects of politics, viz. power and State and government. Power is the central organizing factor in politics, while government or State is its basic operational structure.

In conclusion, we may define Political Science as a systematic study of the State or government, which is a power structure making authoritative decisions and allocating resources and values for internal security, and development and external defence.

Derivation of the term "politics":

The term "politics" is derived from the word 'polls" of the ancient Greek language. The word "polis" means a City-State. It was the form of the State which the ancient Greeks had in their country. All the activities and affairs of the City-State were called by them as "politics". The ancient Greeks also undertook a close study of these affairs and activities of their city-State, which also they called "politics". Aristotle (384-322 B.C.), one of the famous Greek philosophers; was the first thinker to make a systematic study of the life and activities in the city-States of his country in his well-known book, entitled "Politics". Thus he became the founder of the science of politics. Although politics always remained an important subject-matter of study by countless thinkers, writers and philosophers for centuries after the ancient Greeks, the term "political science" came into usage at the end of the nineteenth century, for reasons which we shall explain later on.

What is politics?

Political Science consists of two terms; politics and science. While leaving the term "science" for later discussion, we shall explain what we mean by the term "politics".

'Politics is used in a variety of meanings. It may mean (i) an activity, an event, a process or a conflict or struggle among groups of people; (ii) an occupation or public career; and (iii) a systematic study and a theory or philosophy of the political activities, struggles or conflicts, etc. It is with the first two meanings of politics that we are concerned here, while the third meaning is the basis of Political Science, Political Theory and Political Philosophy, which are all derived from and dependent upon the activities and processes, called politics.

Politics is a universal phenomenon in human life and society. Every man, woman and child has a need, desire or a want, which makes him or her to do something. When a need or want is shared by two or more persons, a relation is established and a group comes into being. Now the need or want or idea of an individual or a group of individuals may be opposed by some other individual or group. Thus a conflict arises and a struggle ensues between the two opposing persons or groups whom we shall call "actors". One of the actors may so exercise his or its influence or power as to compel the other actor to do what he or it wants and to behave accordingly and not in the manner as the first actor wanted. This is the basis and essence of politics. It is a situation, process or phenomenon in which influence or power, coercion or domination is used to compel one or more individuals to do something according to the decision or order of the other individual or group. In other words, politics means a conflict, a dispute between." the opinions or choices of two persons or parties. (It may be mentioned that at this stage we are not concerned with such questions as the reason or purpose of the use of influence, power or coercion, or whether such relations are for the good of the controlled or controlling individuals or groups or not? Such, questions will lead us to the theory, philosophy or science of politics, which are discussed later on in this book.) This kind of "politics is found everywhere, in the family life, among groups of friends, in

schools, colleges, universities and hostels, in clubs and associations of all types, in markets and shops, in offices, farms and factories, in business organisations and corporations, and, of course, in political parties, government and international life and relations between two or more governments and States.

Examples are countless.

In family life, a father may tell his son to do what he wants and not what the son wants. It is so because the father has influence over his son. Or take the case of two children in a nursery school quarrelling over a toy. The teacher would settle this dispute by giving or allocating the toy to one of the children. Similarly, in a college, a dispute between two students or groups of students is decided by the principal in favour of one or the other student or students because he has authority to do so. In an office, two clerks may quarrel over a chair and their dispute may be decided by another clerk who has influence over them. Workers in a factory demand higher wages from their employer, who refuses to do so. They may accept his decision because he has authority over them. But if they threaten to go on strike in support of their demands, the employer may be constrained to accept them due to the influence of their strike threat. Or take another example. Two persons may quarrel over a piece of land. They go to a court, where the judge decides their dispute according to the law and they submit to his decision.

Although these disputes and struggles may be, popularly or journalistically, called as "hostel politics", "campus politics", "office politics" or the like, but really they are not political. Reason is that they are and can be settled by an appeal to social customs, norms or laws. But they can become political if and when one of the two actors in the dispute refuses to accept the authority of the social norms or laws. Then the government, or more accurately, one or the other organ or department of the government will be involved in it. Thus, for example, the dispute between students in a college or university campus can become political when one or more political parties or personalities become involved in it. Similarly, a workers' strike for higher wages, etc., is only an industrial dispute. But it becomes political when one or more political parties or personalities, whether they are of the ruling party or not, become involved in the workers and employers dispute. The reason why political parties or personalities become involved in the non-political disputes of the people is that by doing so they either aim at controlling the government or at maintaining their control over it. Hence politics is a struggle or confrontation between two or more parties or persons with a view to control the government so that one of them may impose its or his decision or policy on the other by means of governmental power and authority.

Why is there politics at all? Can't we have a society without any kind of political conflict or confrontation? No, it is not possible in human life and society. The causes of the political struggles and conflicts are as follows:

1. Material needs and wants of human beings are unlimited, but the means and resources to satisfy them are limited. Hence there must be a power or authority to decide or allocate them authoritatively to one or the other person or class of persons;
2. There are differences of opinion, beliefs and outlook among the people and one of them has to prevail over the other, which again needs an authoritative decision-maker or government;
3. Similarly, there are differences of religion, language, culture, colour, sex, class, caste, clan, ideology or ways of life and some people want to impose one of them on others, who oppose them and hence arises a conflict among them and the need for a government to settle it;
4. Some persons or people want to establish what they call an ideal society or State, while others oppose either the very concept of the ideal society or State, or the method of establishing it;
5. In international life and relations, disputes may arise between two or more governments, States or nations over territories or for purposes of domination and exploitation or for war or for relations of peaceful co-operation, etc.

We may define politics as the means or the art of influencing, manipulating or controlling the people by controlling the Government so as to advance the interests or purposes of a group or party in the face of opposition by another group or party. In other words, politics is a struggle for governmental power and authority between two actors so that one actor may authoritatively decide or do something in spite of the opposition of the other. A political scientist says, "No matter how the question is obfuscated, wherever it tends to involve a utilization of the machinery of government then it becomes a "political issue"; those concerned with it are involved in a "political activity", and the phenomenon becomes one of those which it is the function of the political scientists to observe". Professor W.A. Robson writes, "The focus of interest of Political Science is clear and unambiguous: it centers on the struggle to gain and retain power, to exercise power or influence over others, or to resist that exercise." In short, politics is a "purposive organisational behaviour in a conflict-filled pursuit for a "better" world". And if not, it will become a backward or underdeveloped one.

Politics as an "arena":

Harold D. Lasswell, the well-known American political scientist, has described politics as an "arena", where struggle is being waged for "who gets what, when and how". The "arena" is not a place but is a process of the struggle which begins before the arena itself, which he called "pre-arena". Moreover, the arena struggle produces a result, or outcome, which Lasswell called "post-arena". The "post-arena" itself is a struggle waged between new groups or classes of people, who try again and again to get "what, when and how". In other words, politics is not any one particular struggle at a particular time or between particular people at any particular place. Instead, it is a continuous and everlasting struggle, which has gone on among the people before and will last so long as there are people to struggle for the good things of life or values. Furthermore, the arena of struggle may be as small as a city or even a smaller locality, and as large as a country or the whole world. It may be a local struggle, a national struggle or an international struggle. But political struggles always vary in intensity. They may be as mild as an act to persuade or influence a political rival. They may become much stronger acts to control or dominate a group or people. But at times they may become fierce, even bloody, struggles for power to rule a country or to conquer another. Indeed, it is with such struggles that books of history are filled and the great dramas and epics of world literature are written. Whether peaceful or violent, these struggles are the stuff of which politics is made in all countries, climes and times.

Politics means a system for establishing the ground norms or ground rules, whereby conflicts in the society or country are resolved and the government is chosen or held. Quincy Wright says: politics is "the art of influencing, manipulating or controlling groups so as to advance the purposes of some against the opposition of others."

Two levels of politics: Micro-political and Macro-political:

A French political scientist, Maurice Duverger, in his book: *The Idea of Politics* suggests that the study of politics should be undertaken at two levels: micro-political and macro-political.

At the micro-political level, political study should deal with the relations of an individual with other individuals in such political activities as elections, voting, party meetings, committee work, etc. -At the macro-political level, it is a study of group relations where, as Maurice Duverger writes, "direct contact does not exist or is replaced by indirect contact between intermediaries, by administrative relationships, or by artificial, theatrical contacts (e.g., the minister's handshake, the television appearance of the head of State).[1]

However, we should not draw a very hard and fast line of demarcation between micro-politics and macro-politics. They always affect each other. Indeed, what is micro-political today may become macro-political tomorrow and vice versa. History of revolts and revolutions tell us that they often began as micro-political activities of a small group of rebels or revolutionaries. What is more, political psychology tells us that the personality of the future rebel or revolutionary is often formed by the micro-politics of his parental family life. Similarly, macro-politics is also deeply affected by the nature and quality of micro-politics. It is a well known principle of Political Science that the strength and stability of a State very much depends upon the vitality of its local government bodies. Maurice Duverger says, "Research must be pursued simultaneously on both levels, but the passage from one to the other, the change in scale, raises an important problem."[2]

Levels of Politics / Types of Politics	Micro-Level ' Politics	Macro-level politics
Non-governmental Politics (subject-matters of sociology, anthropology and other social sciences)	family, school, club, tribes, student community, business concerns Industry Chambers Trade Unions, etc.	National o-- country-wide industrial or labour .organisations, Corporations. Multinational companies and corporations etc.
Governmental Politics or , politics as understood in Political Science	Local political leaders; Local Bodies; Local Administration; A Tahsil / Taluqa or District Authority; Local political party Local election units Voters, etc.	Government or political system or State; nation; political parties, and organisations; Pressure Groups; Governmental Departments, Bureaucracies. Public Services; International organisations; UNO; etc.

See *Maurice Duverger, The idea of Politics, p. x*

Politics as an art of the possible:

Now let us look at other aspect of the problem. Being a struggle for power, influence and authority, politics is also full of a lot of lies, wiles and guiles, fraud and half-truths which men use in order to capture power and authority in a political system and to retain their hold on it. Disraeli, a British prime minister in the nineteenth century, said that politics is "the art of governing mankind by deceiving them." Moreover, even if we say that politics is an order-creating force in the society, it may nevertheless create a social order which makes a few people happy and contented and many or most others unhappy, poor and distressed. Is it not a tale of false promises by which clever and strong men acquire power, fame and glory by arousing the passions and hatreds, prejudices and fears of the masses so that their seat of authority and power, (the *gaddi* as we say in Urdu) may not be threatened or taken away from under them?. Undoubtedly, politics is all this and more. But it is inevitable, for politics is a game. It is, therefore, necessary to play it under some rules and norms which make it possible to capture power. This is the reason why this game should be observed, discussed, studied and analyzed systematically. This is what Political Science, the study of politics, aims at. It is to make political process amenable or subject to a rational and systematic analysis, so as to make it a more civilised activity. To bring order out of chaos in the world of politic by systematic thinking is one of the purposes of the study of Political Science.

---

[1] Maurice Duverger, The Idea of Politics, P. xiii.

[2] Ibid p.x.

Politics is also an art of compromise.

One way to overcome conflicts is to compromise over the issues dividing two parties or groups. They may come to an agreement by conceding the demands or views of the other.

Politics as an integrative force:

One should not think that politics is all conflict and nothing else: it is also an integrative force. As a matter of fact, the goal of political struggle is to bring about a new social order in the State. But then what next? Should a new social, order, once achieved, become a permanent order, in which there would be no more political conflict? Some political thinkers, especially in the past ages, believe it to be so. They think that it is a moral order, which should not be disturbed. Even some behavioural political scientists' assert that political conflict establishes an equilibrium, which should be disturbed as little as possible. But great political thinkers declare that conflict and integration are only stages in the everlasting political process, producing ever higher levels of social order, because every social order is a partial integration of the society. It gives rise to a new political conflict with a better programme for greater integration of the society. Therefore politics is a continuous conflictive-integrative process to integrate the society more and more. Maurice Duverger writes, "Every attack on the existing social order implies the image and anticipation of a superior, more authentic order. Every conflict implies a dream of integration and represents an effort to bring it into being." Thus will come into being a higher social order and thus will arise a world of harmony!

Nature of Political Science

Human life is a choice between alternatives, and it depends upon what kind of choice is made. This is true both of individuals as well as of the people or nation as a whole. For instance, when an individual, as a young man, leaves his home, his past experience and guidance in his family, his school, his religion and culture may be of help to him. But choice is his own, which will decide whether his life will be good and happy or not. It will determine his future, his fate. The same is true of a people or nation. They too are guided by their past history, their religion and culture. But in all this their choice is between two alternatives which will determine one way or the other their future development and progress. "Wrong answers can lead to poverty, misery and even the collapse of civilisations. Right answers can lead to freedom, plenty and peace."[3] Social choice, that is, the choice of the people or nation, "is the essence of politics, and political science is the study of organisations, or the fusing of individuals into social structures which make social choices. It is the study of the process, or the methods, by which choices are made. Finally, it is the study of the process, or choices themselves (often called theories, philosophies or ideologies) and their consequences, whether they lead to golden ages or holocausts." In short, politics is the source material of Political Science. Every Political scientist observes politics closely and builds his science on the basis of his observations, assimilations and conclusions. It is this intellectual leap from practical politics to theoretical politics which gives rise to Political Science.

Various Aspects of Political Science:

Political Science is that part of social sciences which treats the foundations of the State and the principles of government. In other words, the phenomena of the State in its varied aspects and relationships, as distinct from other groups, but in connection with them, constitute the subject matter of Political Science. It has been aptly said that Political Science begins and ends with the State. Because of its subject-matter, namely, the study of the social life, it is a social science. It is a master science, because it studies one of the most important aspects of social life, viz., the State. It is, however difficult to draw a line of demarcation between Political Science and other social sciences because human acts and behaviours are motivated by multiplicity of causes and impulses. But every social act or institution, fact or event, becomes political when it is done for or under the

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[3] Cf. Rais A. Khan and James D. McNiven, *An Introduction to Political Science*, *p.3.*

influence of the State, or its institutions, laws or policies. So, we conclude that Political Science is the study of all those facts and institutions which are directly or indirectly connected with and revolve around one point—the State. Hence all matters regarding economic, religious, social, intellectual or cultural life fall within the purview of Political Science if they are in any way connected with the State.

Political Science is a positive and a normative science. It studies human behaviour in its justice-seeking aspect. It deals with political facts and political ideas, with political institutions and political theories. It is a theoretical and a behavioural science, a descriptive and an applied science of the State.

The Problem of its Title:

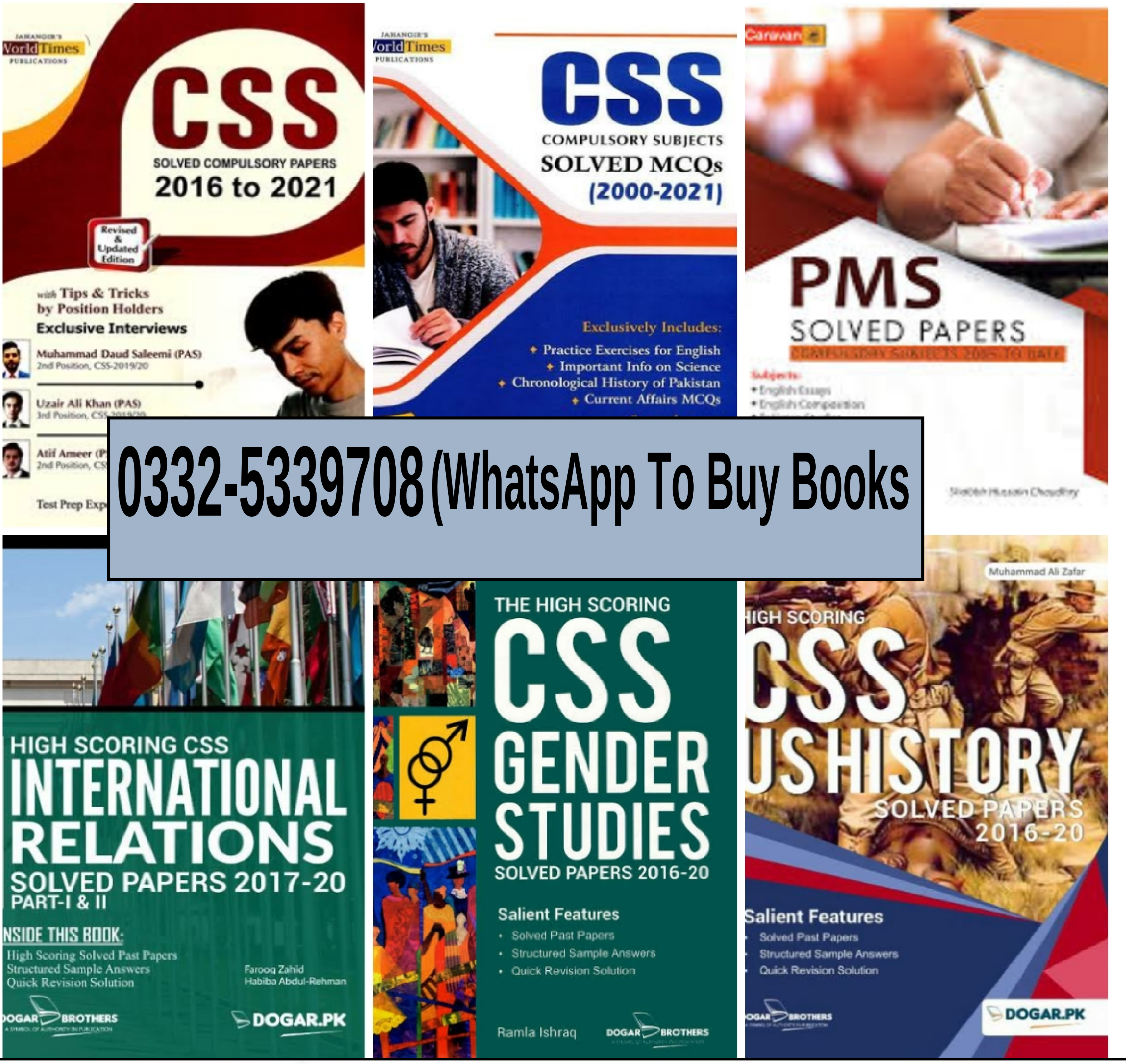
Although Political Science is one of the oldest sciences, but its title has been a matter of controversy almost from the very beginning. Usually three other titles are suggested, viz., Politics, Political Philosophy and Political Sciences. Let us see which of them describes the nature, scope and purpose of this science properly.

Politics:

Some writers object to the use of the title Political Science for the study of the State: they prefer to call it Politics. There is some etymological justification and historical tradition in favour of this preference. The word 'polities' is derived from the ancient Greeks word *polls*, and from Aristotle's book *Politics*. To the Greeks 'polities' meant the science or study of- the affairs of the city-State. This tradition of naming the science of the State as 'polities' was continued by great writers down to the present times. For instance, writers like Jellinek, Janet and Pollock still prefer this title for their studies of the State. A recent British political thinker, H.J. Laski, has entitled his book on Political Science as *A Grammar of Politics*. A more recent scholar, Professor G.E.E.G. Catlin has also entitled his latest book on this subject as *Systematic Politics*.

Politics means two things: a scientific study, in which sense, it is the same as Political Science. Secondly, it means political activities which arise from the struggle for power and control of the government. As such, it may be undertaken in an organised manner in the form of political parties fighting elections or opposing the ruling party in a legislative assembly. As practical politics, it provides information or data to the political scientists and, thereby, becomes an important source-material of Political Science.

However, some of the differences between the two may be enumerated as thus: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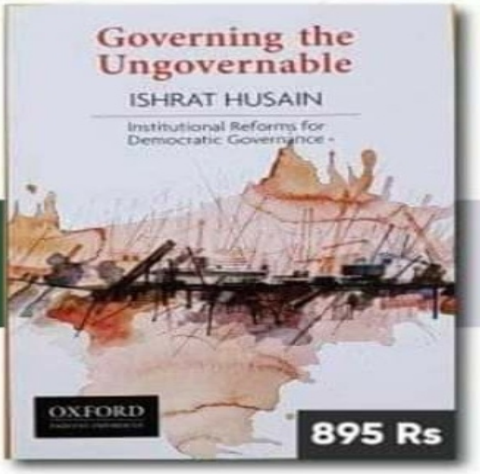
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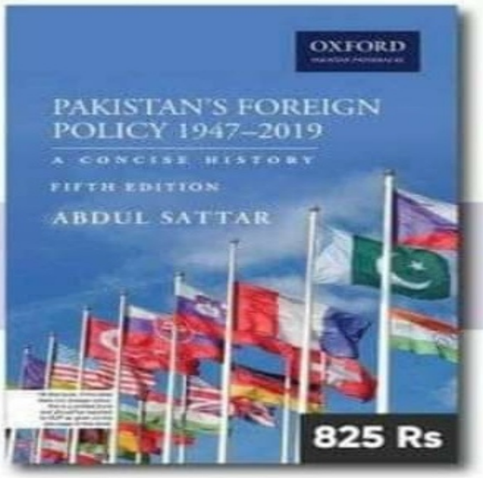
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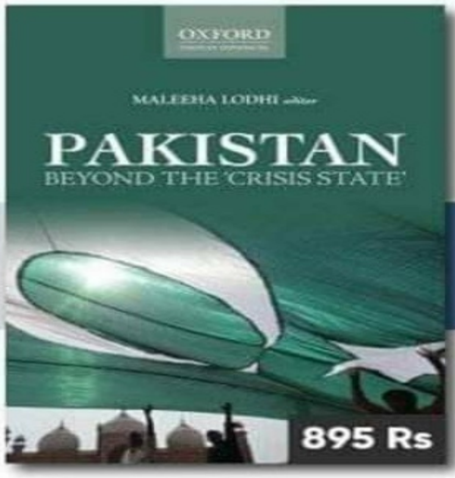
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(i) Political science and politics are different in language and logic or methods of reasoning and conclusion. Accurate and systematic thinking is necessary for Political Science, while skilful use of language is an indispensable aid to the politician, the practitioner of politics.

(ii) While Political Science, as a principle and theory of politics, remains the same all over the world, politics, as signifying practical struggles for power and authority of the State, vary from country to country and from age to age. In some countries and in certain ages, they were mainly concerned with religious quarrels and domination, as it was in British India; and now is in Pakistan, Bharat or Iran. In others they are mainly concerned with economic problems of poverty or progress, as is the case in many of the world today. Moreover, the politics in a kingdom is different from that of a republic, and of a dictatorship from that of a democracy. For instance, the politics of the monarchical Saudi Arabia or Jordan is different from that of republican Egypt or Syria, or the politics of the theoretical Iran is different from that of the secularist Iraq. Even within a country, the politics of one political party is different from that of the other, e.g. of the PPP is different from that of the Pakistan Muslim League.

(iii) By politics is meant something more than mere party politics. It also means the birth and growth of ideas, the formulation and expression of 'public opinion, the formulation of policy, or programme for action, the organization and technique of party programme, electoral procedures, undertaking election campaigns, the debates and disputes in the legislative assemblies, the making of the law and the formation of government polities. In short, politics is the entire range of activities and process by means of which political ideas are crystallized into government policies and translated into laws. In this respect, Political Science can play only supportive role, that is, proposing ideas, theories and guidelines for political action, provided the politics of a country is structured thus, as it is in a democratic set-up. In autocratic, dictatorial and monarchical States, Political Science would have little or no influence at all.

(iv) Politics denotes mainly the art of making or unmaking of the government. It is a struggle for power or the control of the Government. As such, it means the plans and programmes of political parties and personalities and their dealings with each other and with the people, the voters. Political Science, on the contrary, means the science of the State, of political system, derived by logical reasoning, observation, assimilations and conclusion.

(v) Lastly, those who deal with politics are called politicians, political leaders or Statesmen, while those who study Political Science are known as political scientists or thinkers. A politician is one who is concerned with the day-to-day affairs of the government of his country; he

Theoretical & paractical approach.

has, primarily, nothing to do with the theoretical study of the State. He is a member of a political party, or may be a free-lance. He is, therefore, interested in his own party matters, and if he is a freelance, in personal aggrandisement. A political scientist, or a student of Political Science, seeks to inquire into the nature, origin, growth and organisation of the State. The current political affairs and events are to him the data or examples of political principles and laws which he studies in his science. For a political scientist politics, i.e., current political events and movements are the raw materials of his science. Hence, to use the term Politics for Political Science is highly incorrect, confusing and ambiguous. Both denote different matters and should be kept distinct.

Political Science and Political Philosophy:

Political Science is an offshoot of Political Philosophy: it has grown out of the latter at about the end of the nineteenth century. There is, however, much in common between the two. Both deal with one and the same subject-matter, i.e. with political life, ideas and activities, the nature of the State or political system. Political Philosophy also deals with the history of political ideas, which are also the material out of which Political Science is derived. Indeed, political thinkers of the past, from Plato to Allama Iqbal, were more philosophical than scientific. They thought of the ideal State or how to make the State good and to make political activity a moral activity. They did not concentrate their thoughts on political activities as such or to observe political institutions in order to draw conclusions and enunciate theories after actual observation of facts and facts alone. Instead, they were concerned with values. Political Philosophy speculates about political ideas, think and values, about the principles of political obligation (why-men should obey political authority) and about the nature of such terms as right and justice, freedom and equality, while Political Science deals with the facts of political activities and behaviour, political relations and institutions. But, in spite of their interdependence, some political writers claim themselves to be possessing separate and independent disciplines. Arnold Brecht, for instance, writes "From what has been said it follows regarding political questions that political philosophy, political theory, and political science are no longer interchangeable terms as they were in the past. Sometimes, as in university curricula, the term political science is still used in a very general sense to cover all three. Yet when used specifically, with the emphasis placed on science and on distinction from philosophy, political science now refers to efforts limited by the use of scientific methods, in contrast to political philosophy, which is free to transcend these limits."[4]

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[4] Cf. Arnold Brecht, Political Theory, p. 17. (Princeton. NJ. USA.)

Political Science is empirical and inductive in its methods. It is not primarily concerned with the ideal State or society. It is analytical and research-oriented. It always aims at value-free theory, which is the essence of scientific inquiry. Political science uses quantitative methods of psychology and statistics. It analyses, classifies and quantifies its observations and conclusions. Nevertheless, Political Science is not absolutely value-free, because a political scientist is biased in his judgements by the ruling Political Philosophy and ideology of his time, and by, the universal standards of the ethics and morality. This is the reason why we cannot subscribe to the view of some hard-core empirical and behaviourist political scientists, who deny any relationship and interdependence between Political Philosophy and Political Science. This is an extreme view'. There is also no scientist, whether of social or natural sciences, who does not make use of unproved postulates and intuitive hypotheses and there is no philosopher who does not employ empirical Statements.

Political Sciences:

French writers prefer to employ the name of this science in its plural form, as Political Sciences, which comprehend such other social sciences as Jurisprudence, Administration, etc. They claim that all these sciences study the general phenomena of the State and the government and should, therefore, be grouped under a single name of Political Sciences. There is some justification in this claim. State is nothing but a politically organised society of which political life is closely linked with all aspects of social life, legal, juridical, administrative, constitutional, diplomatic and so on, each of which is separately studied by one of the social sciences. Hence, the science of the State is closely' related to these sciences. Nevertheless, this relationship does not invalidate the claim of Political Science to be a separate and independent study of political life. It learns much from them, yet it remains distinct from them. For Political Science the State in its widest sense is a general study, but for allied social sciences it is only a special problem, though related to its own subject-matters. A jurist, for instance, does not study the State as such but only in what way and how far it affects legal and juristic problems, which are the subject-matter of his study. So, Politics is a single and separate science and not a general science of social sciences, as some French writers claim.[5]

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[5] "Let us agree that the political sciences are the group constituted by all the disciplines that study problems connected with political phenomena and that among the political sciences, political science are that whose main purpose is to establish positive political facts and the connections between them, with a view to ultimately reaching conclusions in regard to political art or technique." Cf. Contemporary Political Science, p. 105. UNESCO.

What the French call "Political Sciences" are really the sub-divisions or sub-fields of Political Science, as we shall describe later on. Nevertheless, in one sense there are several Political Sciences, for there are as many political sciences as the political systems in the world. Each of them should be studied in the light of the political culture and social and political history of the country concerned. In this sense, there is an American Political Science, Indian Political Science or Islamic Political Science. For instance, in Islamic Political Science, there is a different approach and concept of the State, sovereignty and law. In spite of such difference, we must recognise that there is one universal political science, because the difference is of emphasis, not of scientific methodology. All political scientists are concerned with the question of power, how it is organised, how it functions and behaves with regard to those who are subject to it, the ruled.

The definition of Political Science indicates its contents or the extent of its scope. It is a science of politics in all its varied aspects. The whole subject-matter of Political Science can be summarised under the following heads:

Political Science as a study of the State:

1

2 The term 'State' is understood in three senses: the State as it is, the State as it has been, and the State as it ought to be. When Political Science 3 considers the State as it is, it tries to understand it in its fundamental 1 conditions, its essential nature, its various forms of manifestation and development. It studies the fundamental nature of the State, its organisation, its administrative machinery and its relations with the individuals who compose it, the principles and practices of the modern State and its relations to other States. As such Political Science deals with Statecraft, the art of Statesmanship.

The State as it has been. The State is a dynamic institution: it changes and progresses from one form to another. In other words, it has a history and an evolution. Political Science surveys the historical development of the State and considers the changes and forms which the State assumed in the past ages and in the present time. We cannot know the present without knowing the past. This means we must study the origin and evolution of the State and of its various institutions, e.g. of government and law, and the development of the mechanism by which they function. Hence Political Science is a science of the past and present States.

The State as it ought to be. Study of the past and present of the State does not exhaust the scope of Political Science. We must also see how far the existing structure of the State responds to the needs of the people and to their well-being. Knowledge of the past and present of the State enable us to reform our political institutions according to our ideals and aspirations. It enables us to mould our ideals and to understand the principles on which the State ought to be organised. It gives us the idea of what the State ought to be and inspires us to achieve it. This makes Political Science a speculative study, dealing with the theories of the State and government, expounded by political thinkers and philosophers. In this respect, it becomes a study of ethical and moral imperatives and fundamental principles which should determine the form of the State.

Political Science as a study of government:

Political Science is also a study of the government and all its stands for Government is the working agency of the State, its most vital part and its most important aspect. Just as a man cannot exist without a head, a State cannot exist without a government. It makes laws and enforces them; it administers the country, maintains peace and order in the State and defends it against its internal and external enemies. We, therefore, study in Political Science the forms or kinds of government, its various organs, and departments and such other allied institutions as the local government, public services, or bureaucracy, etc. It considers the questions of what the organs of the government are and their functions, how they are constituted and, more importantly, what are the social and psychological factors and forces which determine how they use their powers, take decisions and adopt policy. What Political Science aims at is to discover what political life is, who are its actors, and what are its laws.

Political Science - study of power process.

To consider Political Science as a study of State and government is an institutional approach to the study of Political Science. It is, however, a partial view of it. Politics is a dynamic process, a power process. It is a relation in which one "actor" influences the behaviours of another. "Political Process" means the activities of the people organised in various groups, such as parties, factions, or leaders of parties, factions or cliques or groups, who struggle for and use power to achieve personal and group purposes by attaining position of authority in the government, whether it is unitary, federal, provincial or local. It involves conflict which may include not only violence, propaganda, pressure, guiles and frauds and character assassination, but also slow building of consensus, and public opinion. By power is meant the capacity to influence events and thereby to control the behaviour of others. The greater the influence, the greater the power and ultimately the greater the actor. Without power no leader, or ruler can realise his own interests or the interests of a small minority or of his country. But the real test of power is the purpose for which it is used, or the interests it seeks to satisfy. Political process operates in a system, in which power achievement is an input and the satisfaction of interests, personal, of the group or nation, is the output. It makes political science a study of political system, which we shall study later on.

Political Science as a study of political theory:

Political theory is not political philosophy, which is a distinct discipline. Political theory is the explanation of the nature and function of the State or political system, derived from data or descriptive analysis, with a view to understand it. It implies prediction of what it will be in future. Theory is, therefore, strictly an empirical thought. Of course, political theory has varied from age to age and from time to time. In the past ages, it was influenced by religion, dogma and ideology. In the nineteenth and early twentieth centuries, it was influenced by the institutional or static approach towards political life. Accordingly, it dealt with such concepts as State, government, justice, liberty.

Political Science as a study of political behaviour:

In the present times, i.e. since World War II, Political Science is influenced by such dynamic concepts as political process, systems analysis, etc., which have now become part of Political Science. It has become a behavioural science also.

Political Science as a study of individual liberty and rights:

A mere study of the State, government and law, though very important parts of the political study, is not enough. Political Science also studies individual liberty. It considers the problems of adjusting political authority to individual liberty, the relations among men, and their relations to the State. It also deals with the rights and duties of the citizens towards one another and towards the State.

Political Science and international Relations:

Political Science also studies the conflicts, and relations between various States and nations in the world. Relations between two or more States can be peaceful or full of conflict and hostility. As there is no supreme authority in the world, conflicts between two or more States or nations sometimes result in war, which is a method of deciding disputes or conflicts between them by a resort to weapons of war and victory on the battlefield. The victorious then has his way and allocates or captures the disputed territory or country and controls it as it likes. Besides war, disputes between the States can also be settled by more peaceful methods of negotiation and treaty relations, or by forming alliances in order to oppose rival group of nations and States.

History of Political Science

Political Science has a long past, but a short history. It began as a study of politics, i.e., of the affairs of *the polls,* in ancient Greece more than two thousand and five hundred years ago. But from about the middle of the nineteenth century, it has become a scientific study. It will be useful to briefly survey its evolution from the ancient times till today.

Ancient Greeks:

All knowledge begins with a question. The Science of politics began when ancient Greeks began to ask questions about the affairs of their polls or city-State. There were not only many city-States, but they were also constantly changing. Some of them were democratic in structure, others were oligarchic, and not a few had tyrants or oppressive rulers. These were the problems which political thinkers among the Greeks tried to solve; and they were solved in great varieties of ways. A group of Greek thinkers, the sophists, said that politic was the art of the strong to control the weak, that the State was created to protect and realise the selfish interests of rulers. The sophists' views perturbed Socrates and his pupil, Plato. They said that the State existed, not for the selfish interests of the strong, but for seeking moral good or virtue. In his world-famous book, *Republic,* Plato explained that the ideal State was based upon justice, by which he meant that each citizen would do his duty according to his nature and station in life. While Plato's method was speculative and idealistic, his pupil Aristotle (384-322 B.C.) in his book, *Politics,* made politics a systematic and empirical study. He collected about 150 constitutions of the various Greek city-States and classified them into six different kinds, namely monarchy, tyranny, aristocracy, oligarchy, democracy and polity. He further explained how and why one form of government changed into another. According to him, political change was due to the differences between the rich and poor in the State. He believed that a State ruled by the middle class would be more stable, for it would maintain balance between the rich few and the poor many.

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It may be asked: why other ancient peoples than the Greeks, such as the ancient Indians, Egyptians, Persians, Chinese, did not develop political thought as did the ancient Greeks? The reason lay in the lack of freedom of thought, despotic rulers and the domination of the priesthood and religion,

After ancient Greece, original political thought ceased for about two thousand years. Only Muslim peoples produced some political thinkers, like al-Farabi, Ibn Rushed, Ibn Khaldun and others. They patterned their thought mostly on the Greek model, especially on Aristotelian philosophy.

Machiavelli:

Political thought was revived in Western Europe in the fifteenth century. In his book, *The Prince,* Machiavelli treated politics as an art of Statecraft, by which a ruler could successfully defend his throne against his internal and external enemies by deceit and diplomacy, by merciless persecution of his enemies, real or potential, and by maintaining as powerful an army as possible, "for a prince can speak as loud as his gun" as he put it.

Bodin, Hobbes, Locke & Rousseau:

Jean Bodin in France was the first political thinker to expound the theory of sovereignty or the absolute royal power to suppress the lawless behaviour of the powerful feudal lords. Thomas Hobbes in England further expounded the absolute and unlimited sovereignty of the State as a guarantee against the lawlessness of the "State of nature", into which mankind would lapse when there was no strong, highly centralised authority in human society. Later, another English thinker, John Locke, used the same arguments of the social contract theory to defend the rights of life, liberty and property by the limited government under a legislature or parliament. In the middle of the eighteenth century, the French thinker, J.J.Rousseau, expounded the theory of modern democracy by declaring that the general will or the will of the people was the supreme, absolute and unlimited sovereign in the State.

Foundation for the modern Political Science.

It was in the middle of the nineteenth century that Political Science as such came into being. It was due to two influences: (i) of Augusta Comtes Sociology and (ii) of the formal-legal studies of the German school of *Staatslehre* or State Theory. Political theorists regarded the study of the State and government as the study of formal-legal institutions. In this formal Political Science, no attention was paid to such informal political institutions as political parties, pressure groups, or public opinion. This type of Political Science became, for the first time, an academic discipline, taught and studied in the universities of USA, Great Britain, Germany, etc. It was a descriptive, value-free discipline, in which the scholar, usually a university professor, avoided any empirical conclusions. It was a descriptive science of State, and dealt with such questions as the nature of the State, theory of sovereignty, classification of the various types of States or governments, the three organs of the government and the theory of the separation of powers, the functions and ends of the State and the rights of the individual, etc.

In the USA, this kind of Political Science remained a dominant discipline from about 1880 to about 1920. It was also taught in the British universities though mixed with lot of political philosophy of the idealist Hegelian school of Thomas Green and Bernard Bosanquet. Interestingly enough, it was this Political Science of the American-British vintage which was introduced and taught in the universities of the British India and was taught in Pakistani universities down to about 1980.

Pluralist Thinkers:

At the end of the nineteenth century, the monistic theory of State and sovereignty of Bodin, Hobbes and John Austin was challenged by the pluralist theory of State and sovereignty, propounded by such political scientists as Laski, MacIver, Follet, Krabbe, Cole, Hobson and others.

Political Science and other Social Sciences:

Although the new social sciences like sociology, economics, psychology, statistics, and anthropology, had originated in about the middle of the nineteenth century, but they began to influence Political Science in the beginning of the twentieth century. Graham Wallas was the first political scientist to emphasise the need to study the problems of politics in the light of psychology and sociology. The use of statistical techniques also began, which further strengthened the predictive powers of the modern Political Science. The influence of the new disciplines of psychology, sociology, anthropology, and economics provided new approaches, methods and techniques to Political Science. For the first time political scientists began to study the effect of human nature or psychology on politics and of politics on human nature, of social life and institutions on politics and *vice versa,* of culture on politics and of politics on culture and so on and so forth. The result was that they now paid more Attention to informal political institutions and processes, such as the formation of public opinion, voting and electoral activities, activities parties, pressure or interest groups, etc. In other words, it was micro-political approach to political science, as distinguished from the earlier macro-political approach of the law and constitutional study of the government and its three organs-legislature, executive and judiciary.

Since the World War II, the disciplines of anthropology, ethnography and ethnology and the independence of the newly-established countries, States and nations in the Third World have further extended the knowledge of politics into far wider regions and areas of the globe than it was in the nineteenth century of Western Imperialisms. Consequently, Political Science, which was hitherto confined mostly, even exclusively, to the conditions in Europe and U.S.A., now began to study the conditions and developments in these new countries, quite different from the political conditions of the developed countries of the West. The rise of the Soviet Union in 1917 and other totalitarian States, e.g. Fascist Italy in 1922 and

Nazi Germany in 1933 have also compelled political scientists to study the political conditions of other than Western democracies. Indeed, the rise of these dictatorial regimes threatened Western democratic system during the Second World War, which it survived by the skin of its teeth.

Technological Revolution, Information Explosion and Political Science:

From the middle of the 1930's began an explosion in information and communication, which is still going strong. It began with the technological revolution in electronics, telecommunications industry, etc., which ushered in radio broadcasts in advanced countries of the world and later on the television telecasts, and audio and video cassette recorders, etc. This revolution has been further enhanced by the introduction of the computers. Thus began the powerful influence of the modern high technology, which has transformed the science of politics as well.

One of the interesting effects of the high technology developments was the behavioural revolution in Political Science, especially in the United States, after the Second World War. As a matter of fact, the social sciences of sociology, social psychology, anthropology psychology and statistics have already begun to influence the study and research work in political Science. Such technological devices as electronics, telecommunications, the computer and others made it possible to collect, store, and retrieve the data or facts about political activities and behaviour. These techniques and methods have enabled behaviourist Political Scientists, first in America and later in many other countries, to undertake systematic empirical and predictive analysis and study of the political process and behaviour.

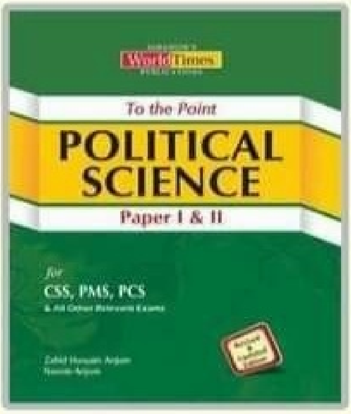
Behavioural Revolution in Political Science:

During 1940 and 1970, a movement began among the American Political scientists, which is sometimes called "behavioural revolution". It was and is a functional approach to the problems of political life and behaviour. We shall discuss it in more details in the chapter on Political Systems. It is enough to say here that the behavioural school lays emphasis on the behaviour of political actors in a political system. It studies voting behaviour, role-perceptions, pressure groups, roles of leaders and elites, individual and group behaviour and their interactions within the political system. Conjoined with the data revolution and methods of statistics, the behaviourists also use such sophisticated concepts and tools of analyses as tables, graphs, scales, charts and mathematical models. They try to measure quantitatively such abstract concepts as "power" and to study decision-making situations through the techniques of "simulation" exercises. But, on the whole, the behavioural school is more concerned with micro-political than macro-political problems.

With these developments, Political Science has become more scientific and predictive.

The Third World and Political Science:

Up to the Second World War (1939-45), Political Science was mainly, even exclusively, concerned with the political conditions and problems of the peoples and nations of Europe and North America, while the peoples and countries of Asia, Africa and South America, being conquered, ruled and dominated by the imperialisms and colonialisms of the West, were regarded as mere appendages of their European masters. After the World War II, when almost all the countries and nations of the Third World became independent and sovereign States and when virtually the whole globe came to be divided between the two Blocs, the Soviet and American, with their endless rivalries and "cold war", and when the rapid means of communications and travel brought the distant parts and regions of the world together, the science of politics had to take into consideration far wider areas and countries of the world than it had done-ever in the earlier ages. Political Science has become Comparative Politics, which studies also the conditions and developments in the developing countries of the Third World, which are in many ways greatly, even radically, different from those of the developed countries of the West. For instance, in the Third World, countries, the family and other kinship groups, like tribes and castes, exercise far more rigid control on the individual life and behaviour than in the West; or women, the half of their populations, are dominated by men and denied many rights and opportunities by the men; or, the attitude of the peoples of the Third world countries towards their political rulers is often one of dependency and subservience, expecting their governments to do this or that for them, but never trying to do things by themselves; or their political allegiance and loyalty towards the State is often of lesser significance than their loyalty and allegiance to parochial groups, such as tribes, clans, castes or local communities. Moreover, the ethnic, racial and religious differences have produced the concept of "nationality" in some of these new nations, which is a disintegrative force in them. Anyway, in the Third World countries and nations, political scientists have to keep in view their cultural and religious life along with their political conditions, relations and developments. In view of these differences, can there be a universal Political Science, which would explain all these diversities of belief and attitude? Are there not two or more Political Sciences? Such are the problem with which Political Science is confronted today. Moreover, the rise of the Soviet Union, Communist China and other communist countries in Europe, Asia, Africa and Latin America has confronted Political Science with the problems of totalitarianism and democracy, which are further complicated by the movements towards liberalisation and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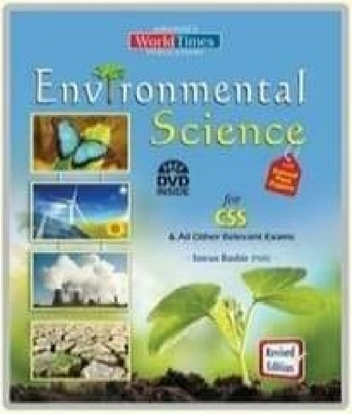
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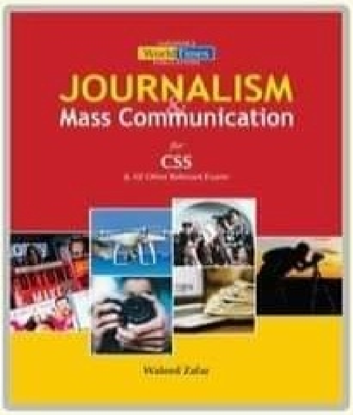
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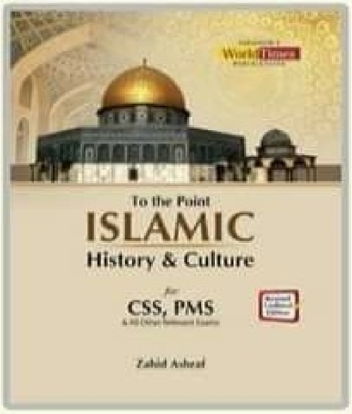
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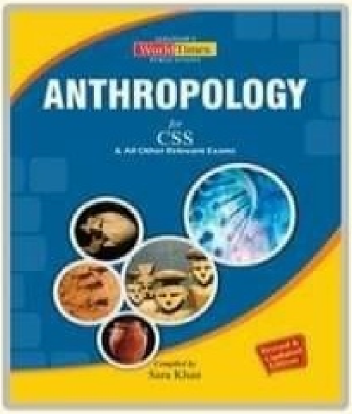
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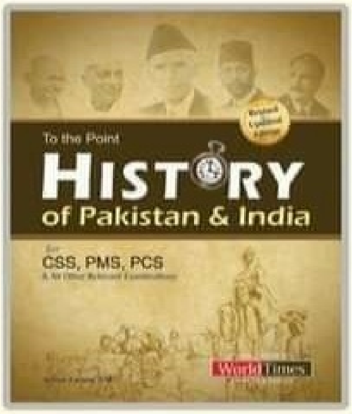
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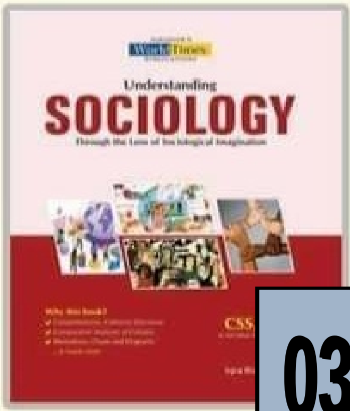
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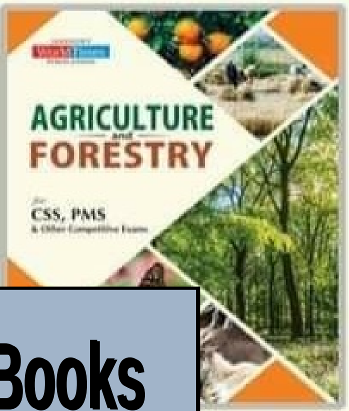
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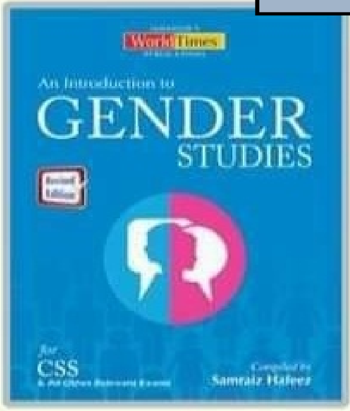
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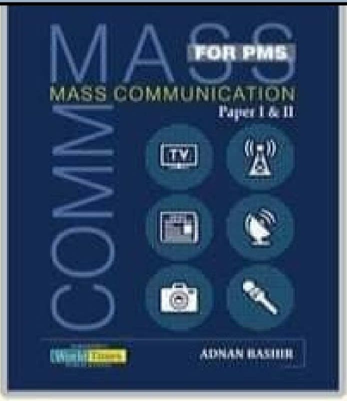
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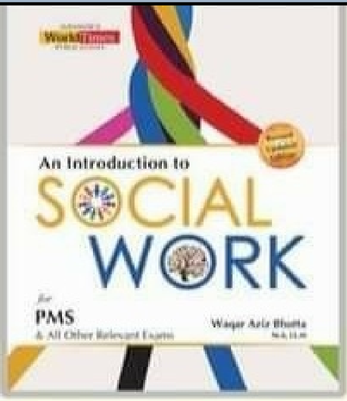
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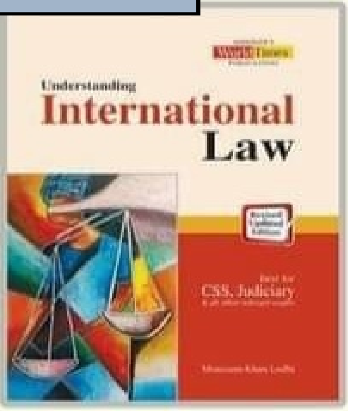
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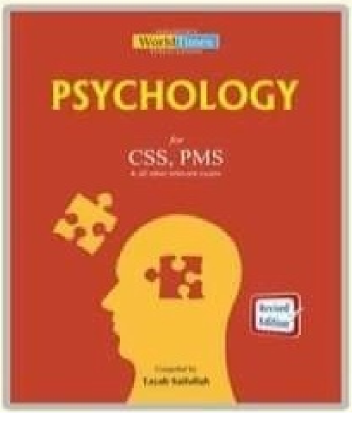
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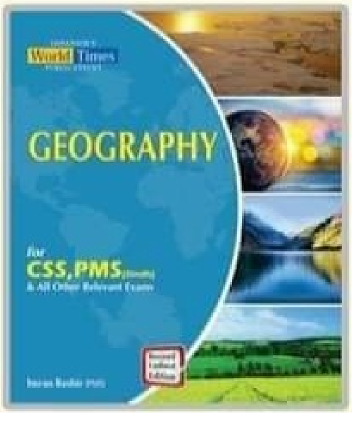
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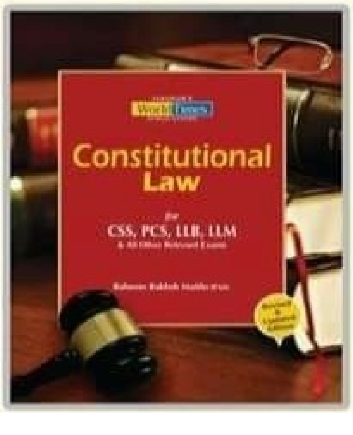
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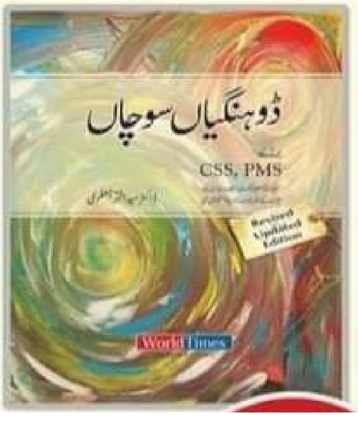
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democracy under the programmes of glasnost and perestroika in the Soviet Union and even in Communist China, though in more liberal and democratic terms.

Chapter 2

Sub-Divisions of Political Science

Political Science is a vast discipline and is constantly expanding. It can be subdivided into several specialised areas and subdivisions. They are, to mention the important ones, national politics, comparative politics, public administration, political dynamics, local government, and international relations. Moreover, Political Science depends upon and derives much of its knowledge and information from other social sciences. However, we shall discuss its relations with other social sciences in a later chapter. In this chapter we shall consider its various subdivisions. Following Alfred de Grazia, we may present the whole field or conspectus of Political Science in the form of a diagram as thus:

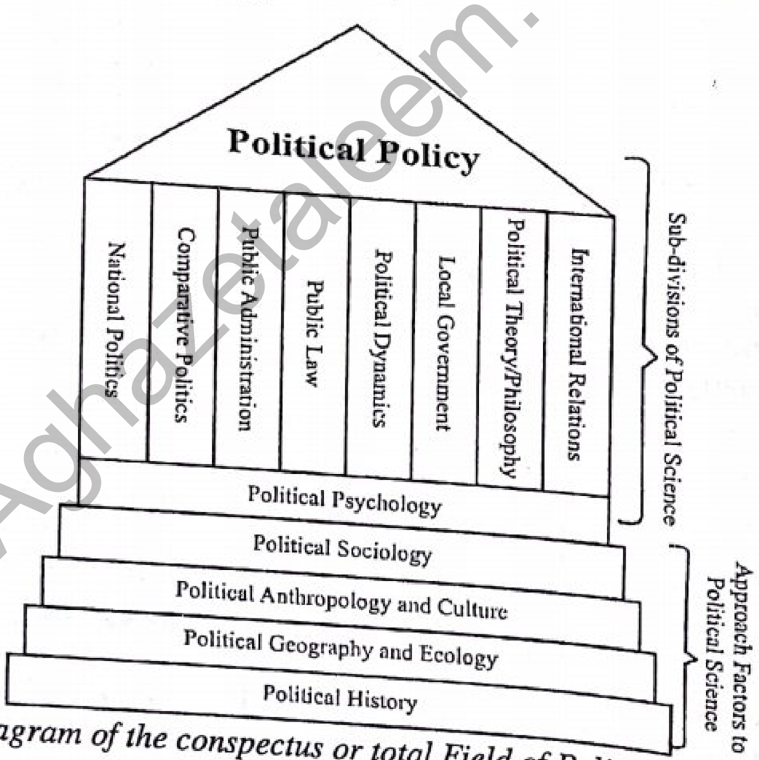
Political Policy
National Politics
Comparative Politics
Public Administration
Public Law
Political Dynamics
Local Government
Political Theory/Philosophy
International Relations
Sub-divisions of Political Science
Political Psychology
Political Sociology
Political Anthropology and Culture
Political Geography and Ecology
Political History
Approach Factors to Political Science

Diagram of the conspectus or total Field of Political Science.

The conspectus of Political Science provides us a panoramic view of almost all the sub-divisions or sub-fields and approach factors to it. We shall now discuss its sub-divisions briefly.

Political Policy:

Oxford Dictionary defines policy as "a course of action adopted and pursued by a government, party, ruler, Statesman, etc." In this sense, policy is a particular term of practical politics. But the behavioural social scientists have extended this term to all such fields of activity in which decision making and implementation are essential elements for the realisation and fulfilment of a programme or plan of action. These new fields of applied social sciences are known as Policy Sciences. Political Science is one of them. Harold D. Lasswell is one of the founders of the Policy Sciences. According to him, every policy has to pass through three stages from the time it is formulated to its final realisation. They are pre-arena, arena and post-arena stages. An arena is a whole complex of activities by various people and conditions of knowledge and know-how in which a policy can be prepared, implemented, and assessed. When it is being prepared or formulated, it is pre-arena stage; when it is being implemented, it is its arena stage, and when it is completed, and its results are being evaluated it is its post-arena stage. At each stage, it requires contributions from various experts in various social and other sciences and applied arts, e.g. engineering, electronics, information and communication.

Political Policy is a sub-division of Political Science. However, as a policy of government or of its departments, it is not something new. All governments and States in the past had their policies, howsoever crude or ineffective they might have been. Moreover, government policy differs from State to State and government to government. The reason is that the amount of knowledge and know-how available to any government at any particular time varies in volume and efficacy. Some governments are, indeed, reluctant to formulate their policies on the knowledge and know-how actually available at the time due to their political or ideological pre-conceptions. For instance, the political policy of an autocratic State or a dictatorship is different from that of a democratic State. The policy of the democracy is a more complex, more comprehensive and more protracted affair than is the case in an undemocratic State. In a dictatorship, only the dictator and his close associates formulate a policy, while in a democratic State, leaders of public opinion and mass media as well social scientists and other experts will contribute their knowledge and know-how at each arena-stage of policy formulation, decision, implementation and ultimate evaluation. Lastly, the final assessment of a policy, which has been already implemented, becomes a new source of knowledge and know-how or feed-back, for a new policy. Thus the post-arena stage becomes the feed-back stage for later policies.

National Politics:

National politics is the study of the politics of a nation or country. It is the main field of Political Science. Formerly, it dealt with the various organs of the government, such as the legislature, the executive and the judiciary. But since the behavioural revolution in Political Science, it studies these institutions in a dynamic or generic manner of change and development. It also studies political leadership and political elites in the country, as well as political parties, public opinion, pressure groups, and administrative system. Moreover, it studies the role of personality of the rulers and the ruled which greatly determines the nature of political participation in the varying institutional setting of national politics. As a matter of fact, the study of national politics is closely related to and influenced by other sub-divisions of Political Science.

Comparative Politics:

Broadly speaking, we may say that all Political Science begins as comparative politics. It means that whenever a person notes that another country is not governed in the same way as his own country, he has undertaken comparative study of politics. He then asks, why is it so and which is better? This kind of comparison is the basis of Comparative Politics. Interestingly enough, it was how the ancient Greeks began the study of politics more than two thousand and five hundred years ago. They compared the political life in their city-States with that of the ancient Persians, Egyptians and other peoples around their country. Thus the comparative method became the foundation of Political Science.

However, Comparative Politics, which is also known as Comparative *Government*, is a recent development. For more than four centuries, from the sixteenth to the nineteenth, Political Science was mainly, even exclusively, the study of national politics of the various European countries, USA and of the "white" Dominions of the British Commonwealth. But, from the middle of the twentieth century, two factors led to the growth of comparative politics. They are (i) the behavioural .movement and (ii) the rise of independent national States in the Third World, especially after the Second World War (1939-1945). Comparative Politics may be defined as the comparative study of the variations and differences in the political institutions and activities of various countries of the world for the purpose of discovering causal factors which account for these variations. For the proper understanding of politics, it is necessary to study the political institutions and activities in all kinds of States or governments in the whole world. The principal concept of Comparative Politics is the *political system*. It means it is a study of political culture, political socialization, inputs, like interest articulation and aggregation, decision making or rule and policy making as outputs, and feedback. It is a comparative study of the political systems in order to identify uniformities and differences in them. In other words, Comparative Politics is the structural-functional analysis of the political systems, the classification of their types, the study of the forms of their development and the observation of the many variations of actual political systems. It builds models of their essential elements and functions.

It provides us with the laws or uniformities in political behaviour and process. However, this method has its limitations, for comparisons may be misunderstood or superficial. Later on, we shall discuss the concept of political systems and their various types in greater details.

Public Administration:

Administration means management of the affairs, public or private, of the government or of private company or corporation. Hence administration is divided into two kinds: Public Administration and Private Administration, also known as business Administration. (The term 'administration' is derived from the Latin words *'ad'* and *'ministiare'* which means to serve) Wherever there is a need to manage men and materials, there is administration, whether it is a house, a business organisation, a university or the government bodies In fact, where there is a need to govern, there is also the need to administer. In other words, government and administration go together.

The term 'Public administration' is used in two meanings, as a science of administration and as a process of administration. A student of Political Science would understand it in the first sense, but the common man understands it in the second. Accordingly, Waldo defines public administration as "the art and science of management as applied to the affairs of State." L.D. White says, "Public Administration consists of all those operations having for their purpose the fulfilment or enforcement of public policy." J.M. Pfiffner defines it as thus: "it would seem that administration consists of getting the work of government done by coordinating the efforts of the people so that they can work together to accomplish their set tasks." In other words, Public administration is *government in action*. We may define it as the art and science of the non-political machinery of the Government carrying on its work for the welfare of the people according to the laws adopted by the State.

The history of public administration is as old as the government. In the ancient times, when government was simple, administration too was simple. When government became more complex, administration also differentiated into a more complex organisation. In the Mughal Empire, to take the case of a simple administration, though the judicial system was differentiated from the administrative system, but the army was not separated from the police and civil administration. The Mughal administrators, known as *mansabdars,* were at once administrators and military officers. It is only in modern times that Public Administration has become a vast, complex and responsible organisation, extending into every nook and corner of the State. In the past ages, an administrator was appointed, not on the basis of merit and qualifications, but on that of class, wealth social status or relationship with the Kings or Rulers or by nepotism and favouritism. But now they are recruited though a public examination and also undergo training before and after recruitment or appointment.

Administration and Politics:

In the past, administration and politics were clearly distinguished. Politics was believed to be concerned with the making of laws and policies, while administration dealt with the implementation of policies and enforcement of laws. Moreover, politicians were chosen by elections, while administrators were appointed. Politicians held their offices only so long as they were elected, while the administrators were appointed for life till they retired. In modern times, however, the distinction between the two is not drawn so hard and fast. Both politicians and administrators are concerned with the business of government. In pluralist democracies, like that of Great Britain, the administrators are entrusted with many functions of the government, such as those of delegated legislation, formulation of policy, etc.

Organisation of Public Administration:

Public administration should be efficient, economical, responsible and accountable. These aims can be achieved by proper organisation. Every public administration is organised into various departments, commissions and other agencies. They are organised on the principle of line and staff agencies. Staff agencies are concerned with planning and advisory functions e.g. Public Service Commission, Planning Commission, Finance Commission. They are usually situated in the capital of the country. The line agencies, also called departments, are concerned with the primary objects for which government exists. Their task is the provision of service to the people. Their functions are the enforcement of laws, maintenance of law and order, and implementation of government policies. The administrative departments are, for instance, the Departments of the interior which deal with civil administration, police and internal affairs, of Education, Health, Agriculture, Commerce and Industries, Labour, etc. A government usually establishes a department when it is confronted with a new task. Thus came into being such departments as those of propaganda, women, environment, etc. Every department is under a ministry, which is headed by a minister, who is its political chief.

Public administration is also organised on geographical basis. A untry or State is usually divided into provinces, districts and local units. ey are variously designated as States Republics, Cantons, Departments, c. Each of these divisions and subdivisions has its administrative epartments and administrative officers to the common man; they are the dministration and not the departmental chiefs at the national or provincial pitals, who are part of the government.

ureaucracy:

The administrators or public servants are known as bureaucrats, nd collectively as bureaucracy. If government is the head of the public dministration, bureaucracy is its heart. Nevertheless, the term 'bureaucracy' as come into use in modern times, because of the increasing functions and mportance of the role of the public servants in the modern State. A.L.Lowell, writing during the First World War (1914-1918), said that fifty ears ago "the public was not aware of civil servants." One reason was that he number of the bureaucrats was very small. It is only in the modern times hat they have burgeoned into millions, which is a proof of the immense ncrease in the functions of the modern government. Indeed, bureaucracy is a body of men who mediate between the rulers and the ruled. It is the *"sarkar"* or the sovereign in the eyes of the common people. If public administration determines whether a government is good or bad, the bureaucracy determines whether an administration would be good or not.

Max Weber, the German Sociologist, was the first thinker to study the role and place of bureaucracy in the modern State and society. He said that when a society becomes economically and technically advanced, it inevitably develops sooner or later a bureaucratic structure of administration. It has three characteristics, viz., professionalism, hierarchy and rigidity. These characteristics are also the sources of its defects. For instance, "it is an inevitable defect, that bureaucrats will care more for routine than for results." This is the cause of bureaucratic red tapism, bossism and paperwork. In the developing countries of the Third World, bureaucratic systems suffer from corruption, nepotism favouritism and such other shortcomings. This is the reason why the term bureaucracy is sometimes used in a pejorative sense.

Research on Public administration:

Because of its importance in the modern State, its growing influence and great complexity as well as its large size, public administration has become one of the most important fields of research. Countless number of books, articles, booklets and other writings have been published on it during the last one century or so. Indeed, in the eighteenth century Prussia (a part of modern Germany), *Kameralwissenshaft,* the training school of the king's councillors, prescribed a curriculum out of which have grown such social sciences as political economy and political science. Since then, the study of public administration has become systematic and scientific. Public administration is a multi-faceted organisation. Its research problems are many. They are: firstly. Public Administration as a scientific study .e.g. as studied by Max Weber, Leonard D White, Herbert A. Simon, secondly, research on administrative organisation, on public administration as a management system; and on problems of centralisation or decentralization. As a matter of fact, research on public administration and on its various aspects is now a world-wide phenomenon. In Pakistan, the National Institute of Public Administration (NIPA) is one of the Research Bodies on public administration. As in other fields of Political Science, new technologies, such as electronic devices, computers etc., have greatly enhanced the speed and efficiency of administrative operations and have also facilitated research work with such a speed and accuracy as was not possible before.

To conclude: the future of public administration is tied to the future of Political Science, on the one side, and to the administrative science, on the other. Peter Self, in his book: *Administrative Theories and Politics* writes that in public administration "effective management is not so much a matter of familiarity with techniques, as an ability to achieve goals within a specific political context."

Development Administration:

As we said above, it is the form of the State which determines the nature of public administration. The reverse is equally true. If we aim at making a backward society into a developed State, we should first make its public administrative system organised "for the promotion of change". It will then become administration for development, or briefly Development Administration.

Political Dynamics:

Political dynamics is a new sub-division of Political Science. It studies the dynamic forces of politics, such as public opinion, political parties, pressure groups, or the voting behaviour of the people. It is a developing branch of Political Science. It is concerned with the forces at work in government and politics rather than with their structures and institutions. It seeks to study change and progress in political system rather than structure, development rather than description. All the forces at work in the political field, whether social, economic, moral, psychological or ideological are the subject-matters of Political Dynamics. They are the sources of energy and action in politics. They represent the fuel that drives the engine of the State.

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The subject-matters of Political Dynamics are the history, organisation and techniques of political parties, lobbying by the pressure groups, the nature and role of the public opinion and propaganda, the voting behaviour in particular, and political behaviour in general.

Local Government:

Local Government may be defined "as a public organisation authorised to decide and administer a limited range of public policies within a relatively small territory which is a subdivision of a regional or national government." The structure of a government can be compared to a pyramid, with national government at its apex and the local government at its bottom, and the provincial or regional governments in-the middle. But the simile of the pyramid is somewhat misleading, for there may be some governments which have no local government at all. Local governments are of very great variety. The essence of a local government is its self-governing autonomy within its sphere of authority. But many local governments are only the administrative arms of the central government in most cases, local government has general jurisdiction and is not confined to the performance of one specific function or service. Local government performs a great variety of functions, such as administrative functions, judicial functions, fiscal functions, and developmental functions. They are also organised in a variety of ways. Usually, they have village level councils, city or municipal councils, district councils as well as various kinds of local authorities, such as school boards, or river boards, etc. Municipalities have a Chief, who is called a Mayor. Three questions can explain whether a local government is really a self-governing institution or not: first, do the people of a locality have the right to participate in the local government by means of meaningful elections? Secondly, to what extent does the municipality or a local body have relative autonomy and discretionary authority to act? In other words, is there centralisation or decentralisation of authority in the pyramidal structure of the government, guaranteed by the Constitution? Thirdly, is the local government a vital and significant force in the lives of the people of the local area'.' In other words, can the local governmental institutions act with authority and energy to do things which will deeply affect the lives of the people of their areas or do they so act that the people do not benefit from their activities?

Purposes:

Purposes of local government are many and varied. Moreover, they differ from government to government, and country to country. In general, a local government has the following purposes:

1. Preservation of the peace of the localities. Historically, it was the primary purpose of the local institutions.

2. Safeguarding the health of the people which also includes sanitation.
3. Maintenance of the roads, lanes and streets within its area.
4. Town and Country planning so that the local areas, such as villages, towns and cities are well-planned, and are provided with all the modern amenities.
5. Welfare services.
6. Provision of educational and training facilities, especially at school level.
7. Fire Protection.

In recent times, with the increase in population, growths of new towns and cities, and industrialisation, and the development of science and technology, the local government is entrusted with even additional functions and assignments. For instance, cultural activities, eradication of poverty or of social misery, housing programmes, anti-pollution campaigns, provision for sports and games facilities, music and dance halls, etc., are some of the new functions and responsibilities of the local government.

Political Theory:

The word 'theory' is derived from the Greek word 'theoria', which means well-formed idea on the basis of thorough observation. Later it came to have two meanings: in a broad sense, it is the whole teachings of a thinker, and in the narrow sense, as understood here, it means a proposition or a set of propositions designed to explain something with reference to data, or interrelations not directly observed or manifest. As a branch of Political Science, Political Theory means the theory of the State or of any political process, e.g., theory of democracy or dictatorship theory of the ends of the State, etc.

Political Theory is one of the oldest branches of Political Science, as old as the writings of Plato and Aristotle, even of earlier Greek thinkers and writer. A theory can be challenged by a new theory by discovering new facts about something which cannot be explained on the basis of the old ones. The history of the political thought is the history of political theories extending from Plato and Aristotle to the present times. A theory is correct or valid when it is based on facts and conclusions which can be scientifically proved by further test and is logically consistent. It has predictive value, that is, it can be applied in future. Thus a correct political theory deepens our knowledge and broadens the scope of Political Science. But a political theory can also be incorrect, which hinders our understanding of the political phenomena. Arnold Brecht writes, "When political theory performs its functions well, it is one of the most important weapons in our struggle for the advance of humanity. To imbue people with correct theories may make them choose their goals and means wisely so as to avoid the roads that end in a terrific disappointment". However, a political theory can be turned into an ideology when it is supported with emotional faith and fanaticism but without facts. Then it is not possible to avoid its disastrous consequences. This is what J.S. Mill meant when he said "a beautiful theory killed by brutal facts." Therefore, as Arnold Brecht adds, "It is the function of the political theorist to see, sooner than others, and to analyze, more profoundly than others, the immediate and the potential problems of the political life of society; to supply the practical politician, well in advance, with alternative courses of action, the foreseeable consequences of which have been fully thought; and to supply him not only with brilliant asides, but with a solid block of knowledge on which to build."

Public Law:

Public Law is the law of State, passed by the legislative organ of the government, enforced by the administrative agencies and interpreted by the courts. In other words it is a rule of conduct laid down by the State.

Public Law is a vast sub-division of Political Science. As a matter of fact, it is older than Political Science itself, as for instance the *Code of Hammurabi* (18th century B.C.), the Law of Moses (13th century B.C.) show. Public Law is regarded as an important, even independent, branch of Political Science. Indeed, in France and some other European countries, Political Science was once believed to be a branch of Public Law, which was collectively called Political Sciences.

Public law is divided further into civil law, criminal law, constitutional law, administrative law, Jurisprudence, International law, etc. It also consists of various systems of law, such as the Roman law, British Common Law, Islamic Law, Hindu Law, and others.

International Relations:

International Relations are a new field of Political Science. It became a subject of study and research after 1900 and especially after the First World War (1914-1918). Before 1900, it was only a part of diplomacy, that is, the art of negotiations between sovereign States. International Relations studies not only relations between States or governments, but also studies power politics and also questions of war and peace, relations between individuals and foreign governments, commercial, cultural, intellectual, economic and other relations between nations and governments as well as between international organisations and agencies, the regional and international alliances and treaties, the role and functions of the United Nations Organisation (UNO), and such programmes and organisations as the questions of world peace and of world government as well as of human rights, ban on nuclear weapons, etc. It may be noted that International Relations are studied not only by the governmental bodies but also by private individuals and thinkers.

Two Approaches:

There are two approaches to the study of International Relations: idealist and realist.

The *Idealist approach* is as old as war: man has always dreamed of a world in which there would be no war between nations and peoples, States and countries. Great thinkers, teachers, and preachers have always laid emphasis on relations of peace, human love and amity. Immanuel Kant, the great German philosopher, was the first to write on a programme of world peace. Modern writers on International Relations believe that to promote world peace and intentional understanding and for the growth of internationalism among the peoples and nations of the world, one should study how men and groups ought to behave in international relations, rather than how they actually behave. They believe that the moral rules and virtues, like human love, and fellow-feelings, justice and freedom and the natural desire of the mankind for peace, are powerful forces, if only the governments would create conditions and atmosphere for world peace and disarmament. It may be remarked that idealist approach is more emphasised in international relations than in the internal politics of the various States and countries. It would be more useful if the nations and States of the world first established love and goodwill at home as a preliminary to world peace and understanding. Ethnic disputes, religious persecutions or communal riots are neither good for a country, nor for world peace.

The *idealist thinkers* like the American Hans Morgenthau, believe that power and self-interest are the motive forces in international relations and dealings. The realist approach is a more modern view, but it has not discredited the earlier idealist approach. This approach is the result of three important events; the failure of the League of Nations (1919-1939), the outbreak of the Second World War (1939-1945) and the so-called Cold War between the two superpowers, U.S.A. and the U.S.S.R., which have raged between them on and off since 1948. The realist thinkers declare violence and conflict as inevitable, which can be controlled by skilful diplomacy and by maintaining "positions of strength" in international relations and dealings. In other words, the realist[1]-emphasise that governments and nations should play the game of power in the international world.

Chapter 3

Approaches, Methods and Techniques of Political Science

(Political Scientists at work)

In the previous chapters we defined Political Science, explained its nature and described its growth as well as its various sub-divisions. Like other social sciences Political Science is a research-oriented science. Its primary purpose is to pose and solve new political problems, and to ask and answer new political questions. In this respect, it is first of all necessary to find out whether or not a problem is relevant to political enquiry. The criteria for selecting the problems and collecting the data which are relevant to the enquiry are known as approaches. Once the approach is determined, the problem or data has to be dealt with or treated in a particular way, which is called a method. Lastly, every problem or question requires certain tools to tackle the problem or solve the question or collect data. It is known as the technique. Approaches, methods and techniques are the ways with which the political scientists work. If the approach is wrong or inappropriate, the methods and techniques will not solve a political problem in a proper manner. 'There is considerable risk of fruitless work when an approach is adopted more or less blindly and unthinkingly, perhaps because of an unawareness of alternatives"

Moreover, the nature of politics, past and present, local, national and international-the subject-matter of Political Science, being so full of conflict, controversy and argumentation, has often confronted the political scientists with the questions of its "scope and method", that is to say, with such questions as: what is political? (Which we have already discussed above) and how to study it? It is, therefore, necessary for the students of Political Science to understand the differences between the approaches, methods and techniques of study of their science, especially because they are sometimes not clearly distinguished. We shall, for this reason, discuss each of them separately.

Section 1: Approaches to the Study of Politics

What is an approach?

Dictionary says that an approach is the act of drawing near an object from a given point or direction. In Political Science, it means the criterion or perspective adopted by a political scientist while studying political phenomena. It is the standard by which he collects and explains political events, processes, etc., by including or excluding such data and questions which are not relevant to his perspective or standard. In short, an approach means the relevance of a problem or data to the criteria or standards the political analyst holds in his study of a political problem. As we know, politics is a vast field of conflicting activities. It is, therefore, necessary to include in its study only such problems, questions and data which are relevant to the criteria of the study.

Approaches are of different kinds. However, they can be broadly divided into two categories: the traditional approaches, derived from various academic disciplines or subjects, and the scientific approaches, derived from various academic disciplines or subjects, requiring the observation of the processes of political activities and behaviour.

Traditional Approaches:

The traditional approaches are derived from such academic disciplines as history, economics, law, sociology, anthropology, psychology, geography, etc. We shall now discuss each of them separately.

Historical Approach:

It is one of the oldest approaches. Aristotle in the ancient times, Ibn Khaldun in the Middle Ages and Machiavelli, Montesquieu and many others in the modern times, have applied it in the study of politics. It is really a descriptive approach, i.e., describing the historical origin and evolution of various political institutions and problems, such as the origin of the State, and development of the parliamentary or cabinet system, etc. In fact, every political institution can be approached as a product of history. For this purpose, historical documents and other source-materials can provide the knowledge of the way they came into being and can predict their future evolution. For instance, it may be asked: how did the parliamentary or cabinet system evolve in England? The growth of a political theory is another interesting problem. Although every theory is a product of the times and circumstances in which it was first expounded, but it has also significance for all times to come. It is, therefore, useful to know the conditions and motives of the historical situation in which it was first produced.

Historical approach has, however, some limitations. First of all, it is sometimes not possible to have all the necessary documents, records and other source-materials on a problem of the past. This is particularly difficult in many developing countries, where libraries and archives are either non-existent or deficient. Secondly and more importantly, to discuss a problem in terms of its history may not throw much light on what it is today. This approach is useful for a historian. But a political scientist is more concerned with the living problems of the present. In spite of this criticism, historical approach is immensely important in Political Science. The more we study political events, institutions and theories as they existed in the past or as they were expounded by earlier writers, the more we understand their present structure and the application of the theory and we can also know how they will change in the future.

Geographical Approach:

Geography deeply affects all aspects and conditions of human life, whether they are social, cultural, economic, religious or political. Human beliefs, customs, clothing, shelter or architecture, agriculture, industry and all other aspects of life are influenced by climate, soil, and natural resources. This is also true of political life and institutions. "The location of mountains, rivers and seas has clearly a bearing on political developments all over the world". The same is true of such geographical conditions as distribution of rainfall, differences in temperature and of the availability of rails and roads, and other means of transport and communication. Nevertheless, some thinkers have gone to the extreme in the geographical approach to politics. In ancient Greece, for instance, they believed that the political systems also depended on the climate, e.g., democracy existed in temperate zones, while despotism was the fate of the people of the hot climate. Another extreme example of geographical determinism was the "heartland theory" of Sir Halford Machinder. He said:

Who rules East Europe commands the Heartland:
Who rules the Heartland commands the World-Island:
Who rules the World-Island commands the World?

He thus predicted that the Ruler of East Europe will rule the whole world. Various racial theories can also be used for such extreme purposes; for example, the theory of *Herrenvolk* or *Master Race* of the Nazi Dictator. Hitler is a case of extreme geographical approach to politics. He declared that the German race was a master race which would rule the world. But all such theories are false. No doubt geography does influence political life. But man is not a slave of geography. A scientific application of the geographical approach, for example, is the influence of geographical conditions on the foreign policy decisions of a country or State. It is known as geopolitics. According to it not only the foreign policy' or international relations of a State are determined by its geographical location, but even its frontiers are determined by its geography. To conclude: "The facts of geography are clearly among those that influence many kinds of political decisions. Accordingly, knowledge of geography may help provide a basis for predicting decisions that will be made and the probable results of the decisions".

Philosophical Approach:

Philosophical approach is another traditional approach in Political Science. It was applied by Plato and Aristotle in the ancient times, by al-Farabi, Ibn Sina and Ibn Rushed in the middle Ages and by Kant, Hegel, Green, Bosanquet and Allama Iqbal in the modern times. Political Philosophers concentrate on the ideas, values and doctrines about politics and discuss the good life and the best or ideal State to achieve. As such, philosophical approach is a normative approach in Political Science. The theories and doctrines of the great philosophers are of immense importance for all times. In present times, however, the philosophical or normative approach has been seriously questioned. It is considered to be insufficient by the political scientists of the behavioural and post-behavioural schools. For it makes Political Science unscientific and unsound.

Legal Approach:

Another traditional approach is the study of legal and constitutional institutions of the State. It began with the study of Roman Law at the end of the Middle Ages in Europe. Its most important contributions are the concept of State, and the theory of sovereignty during the early modern times. Later on, it contributed to the rise of constitutionalism as an essential basis of the State. At the same time, the legal approach also contributed to the concept of international law. In Germany during the nineteenth century, it became the basis of the theory of State, known as Staatslehre (in German). It was the beginning of Political Science as such. It dominated political thought for a long time and made Political Science nothing more than the study of the State and government, law and administration and international law. In other words, it made Political Science a mere legal and institutional study. It neglected such bases of political life and activities as culture, social conditions and traditions and needs, motives and impulses of human nature.

Economic Approach:

It is a matter of common observation that economic conditions in a country have great influence on political activities and relations. Aristotle was the first political thinker to show how wealth and poverty affected political events and caused revolutions in the State. Many other thinkers have also said that political troubles and disputes are due to economic interests and conflicts. But it was "Karl Marx (1818-1883), who first explained these causes in a systematic and scientific manner. He said that political conflicts are not due to differences in beliefs or ideology, but due to the clash of economic interests of the haves and have-nots i.e. of the rich and poor classes. He writes, "Men, developing their material production and their material intercourse, alter along this their real existence, their thinking and the products of their thinking. Life is not determined by consciousness, but consciousness by life." Friedrich Engel's, friend and collaborator of Karl Marx, puts it more expressly as thus: "The ultimate cause of all social change and political revolutions are to be sought, not in the minds of men, but in changes in the modes of production and exchange; they are to be sought not in the philosophy but in the economics of the period concerned."

This was the Marxist economic approach to politics, which became the basis of the socialist and communist movements. It has led to the socialist revolutions in Soviet Russia, Communist China and other countries of the world in the twentieth century.

Psychological Approach:

In the beginning of the twentieth century, the science of human nature, called psychology, has provided a new approach to the study of Political Science. It was further influenced by Sigmund Freud's theories and techniques of psychoanalysis. However, an English political scientist, named Graham Wallas, first emphasised the importance of psychology for Political Science as early as 1908. He wrote: "the efficacy of Political Science, its power of forecasting the results of political causes, is likely to increase... because modern psychology offers us a conception of human nature much truer though more complex than that which is associated with the traditional English political philosophy., (and) under the influence and example of the natural sciences, political thinkers are already beginning to use quantitative rather than merely qualitative words and methods, and are able therefore both to State their problems more fully and to answer them with a greater approximation to accuracy".

In short, psychological approach emphasises the use of quantitative methods in the study of Political Science. But this was only the beginning. The quantitative methods and techniques of Political Science were, however, fully developed by the behavioural political scientists nearly half a century after Graham Wallas, as we shall describe later on.

Sociological Approach:

Augusta Comic in the middle of the nineteenth century in France laid the foundation of the new science of sociology. It began to influence the study of politics also. It provided the sociological or cultural approach to political problems and relations.

But the philosophical, psychological, cultural and sociological approaches are now criticised, because they reduce Political Science to a mere appendage to these disciplines. "It would seem," wrote Norman Jacobson, "that politics is psychology, or it is sociology, that it is moral philosophy or theology that is to say, it is anything but politics" Of course, there is no harm in receiving intellectual tools and techniques from other social sciences and disciplines. But this should be done in such a way as would help in the better understanding of politics. It means that the approach to Political Science be one that makes it an autonomous and independent field of study.

Institutional Approach:

The institutional approach is another traditional approach in Political Science. It seeks to make political institutions, such as the State, government, parliament, etc., as the subject-matter of study. Indeed, this approach is common in the study of politics. But the meaning of an institutional approach varies with the definition of institution. It can be taken in a general or a narrow sense. In the general sense, Political Science is the study of the State or government. In the narrow sense, it is the study of organ or office of the government or of a governmental activity. As an organ, we may study a legislature or parliament, or the cabinet system; as an office, we may study the office of a president or prime minister. Similarly, administration, bureaucracy, etc., are the objects of political studies. As a matter of fact, greater portion of Political Science is the result of the institutional approach. This is what we shall be doing in many chapters of this book.

Institutional approach has certain drawbacks. First of all, it neglects the individual, for it concentrates on the group and its activities. Secondly, it does not take into view an important aspect of politics, namely the role which violence and opposition play in politics. It fails to study such matters as disputes, controversies, quarrels, revolts, aggressions and war, which are very common features of political life in all countries and in all ages. Instead, institutional approach assumes that there is no violence, no conflict and no confrontation in the political and constitutional institutions. But by neglecting the fact of conflict and violence in politics, the institutional approach has failed to understand a very important aspect and problem of Political Science.

Scientific Approaches:

Unlike the traditional approaches, in scientific approaches the criteria of study are scientific objectivity, freedom from personal bias, and verifiability of conclusions on the basis of experience or experiment. The scientific approaches are the following:

Behavioural Approach:

Modern technologies, like electronics and computers, as well as the techniques and methods of statistics have provided a new approach to the study of politics, first applied in the USA just after the Second World War and later in other countries. It is the behavioural approach. It lays emphasis on quantitative measurement of the behaviour or activities of the individual in political life and relations. It studies mostly the micro-political behaviour of the individuals in the political system, and neglects macro-political aspects, such as the State.

Integrative Approach:

Integrative approach seeks to overcome the limitations of behaviourism. Harold D. Lasewell, in his book: *The Future of Political Science* declares that the study of politics should be approached in both traditional and new methods and techniques. According to him, Political Science is a "Policy Science". As such, it should benefit from both the traditional approaches of history, philosophy, law, sociology, psychology and anthropology as well as from the tools and techniques of behaviourism, especially from those of modern science. This is the integrative approach. It will provide better techniques for the interpretation of data, and for the development of verifiable propositions, which will ultimately help political scientists in solving the problems of politics appropriately.

Power Approach:

In the traditional approach to Political Science, the concept of sovereignty was central to political study. In modern times the concept of power has become central to its study. William A. Robson says, "It is with power in society that political science is primarily concerned—its nature, basis, processes, scope and results. The "focus of interest" of the political scientist is clear and unambiguous: it centres on the struggle to gain or retain power, to exercise power or influence over others, or to resist this exercise". Power has different forms. It varies from the use of force or threat to use force to domination or influence which one man or one group of men exercises over other man or group of men. It is "men's control over the minds and actions of other man". It can be a peaceful exercise or violent like a military action. It can be exercised for the good of the other or for his injury. It is a struggle between two persons or parties to control governmental power to decide matters of policy or acts of State. Law is the decision of the person or party which has captured governmental power. Decision-making authority or power is both the object and result of power struggle. In other words, "power is the capacity to affect others without being as much affected."

No power is absolute. All power is exercised within certain rules and conventions. Even the most powerful king respects the wishes and opinions of the persons close to him. The purpose of a constitution is to frame rules within which power will be exercised by the government. Even a State without a constitution, such as a Martial Law government, has to work within some rules and conventions, though unwritten or unexpressed. The real weakness of power approach is its lack of precision. Power can be exercised politely or violently. "It is said to manifest itself in situations ranging from a request that the salt be passed at the dining table to a situation in which States are exchanging all-out thermonuclear blows." The aims of the exercise of power are clear: it is to maximise one's advantages over one's opponent or enemy. But the concept of power is too general. As Vernon Van Dyke says, "When it covers so many kinds of events and relationships, a handicap is imposed both on the individual who is attempting to formulate and express a thought and on the individual who is attempting to understand what another has said"

Systems Approach:

Politics can be approached as a system, that is, as a political system. It is an analogical approach which means that political systems are like those found in biology, physics, astronomy, as for example like the nervous system in human body or like the solar system in the universe around us. By a system we mean a grouping of separate but interdependent parts which form a working whole to achieve some objective. Every system is a part of a larger system, while it has also sub-systems within it. The larger system is the environment of a system, from which it receives some things, called inputs, and also gives out some other things, called outputs. Some of the outputs are again recycled into the system, called feedback. Thus every system has equilibrium i.e., a stable system of inputs and outputs. If its outputs are greater than its inputs, the system becomes unstable unless a system is "closed", i.e., totally self-contained, it depends on links with the external environment on which it depends for its survival. Hence it should adapt itself to its environment, which means to the larger system of which it is a sub-system.

As we said above, the systems theory is an analogy, which political scientists, like David Easton, or Almond, applied to the study of politics. According to them, the whole human society is a social system, of which government is a political subsystem. But the government, as a political system, consists of several sub-systems, such as legislature, executive departments, judicial system, etc. Every system is a system of roles which are supported by norms and values of appropriate behaviour and relationships, and of shared values, symbols and beliefs, which provide the basis for the people to act together to achieve some objectives or goals. We shall say more about the political system and its input-output mechanisms in the next chapter.

The advantage of the systems approach is the heuristic help it provides to the political scientist. It also enables them to study where a political system is under strain, that is, where the inputs are not sufficient to balance the outputs. For example, a government may not receive enough taxes to meet its expenditure. Thus a student of a political system can foretell or predict where or at what point or points it is under strain or stress and what remedies can be adopted to restore its balance or equilibrium. It is, therefore, claimed that the systems approach makes Political Science a scientific study, in which prediction is accurately possible. In view of this claim, we shall discuss, in a later chapter, whether Political Science is really a science or not?

Section 2: Methods of Political Science

The study of politics begins with the search for facts or the collection of data and the analysis of the information thus collected. Method means the way facts or data are collected and analysed and conclusion or inference drawn. Because there are ambiguities and confusions about the terms or concepts used in political theory and practice, it becomes necessary to approach the data critically, so that irrelevant or false information may not become the basis for the formulation of a conclusion or theory. Moreover, as the sources of information and knowledge are many, the political scientist has to rely on other disciplines for his study, which provide him their own methods. Keeping in view the complexity of the problems and approaches to the study of Political Science, we may define method as the way of acquiring the knowledge of reality or truth of politics. As there are many methods of doing so, we may divide them as follows:

1. Speculative or Philosophical methods: Deductive Methods;
2. Logical Methods: Analytical or Inductive-Deductive methods,
3. Practical Methods: Observational, Experimental or Empirical Methods,
4. Disciplinary Method: Historical,' Psychological. Sociological, Juridical, Economical; etc.
5. Statistical Methods: Quantitative-Qualitative Methods;

6. Scientific Methods: We shall now describe each of these methods in some detail.

Philosophical, speculative or deductive Method:

It is the oldest method of the study of politics. It was used by Plato, al-Farabi, Rousseau, Kant, Hegel, Green, Bosanquet and others. It is indeed, followed by all political thinkers who are more interested in what the State or politics ought to be rather than what it actually is. To conceive of an ideal State is the task of philosophical or speculative thinking. This method has its obvious limitations. When a thinker is only concerned with the ideal conditions of what a State ought to be, he would lose sight of the facts of the political situation, as well as of the facts of human nature and history. He would be carried away by his imagination into such thoughts and conclusions which have no relation to reality. In fact, philosophical method is more useful for political philosophy than for Political Science.

Analytical Method:

Analytical method is the beginning of all philosophy and science. It is the method of dividing something into its component parts and to find out relations between them in order to understand the whole. For instance, to understand government, it is divided into its three organs, legislature, executive and judiciary and their relations to one another are studied. The aim of analysis is really synthesis, that is, the parts are examined in order to know how they fit together to make the whole.

Inductive-deductive Methods:

They are the methods of logic. Deductive method is used in philosophical thought, while the inductive method is the basis of all scientific enquiries. In spite of their difference, the two methods are interdependent. Induction means to collect facts or data and to generalise them or draw inferences from them, which becomes a principle or law. Deduction is the opposite method: it is to draw conclusions from a principle or law. Inductive method is empirical and logical, while the deductive method is purely logical. "It is better to differentiate between the two by saying that we employ inductive methods when we seek to establish truth by observing reality, and that we employ deductive methods when our concern is primarily with the implications of given premises" Political scientists employ both inductive and deductive methods in the observation and study of politics and State and its various institutions. These two methods are parts of the analytical as well as of the empirical methods.

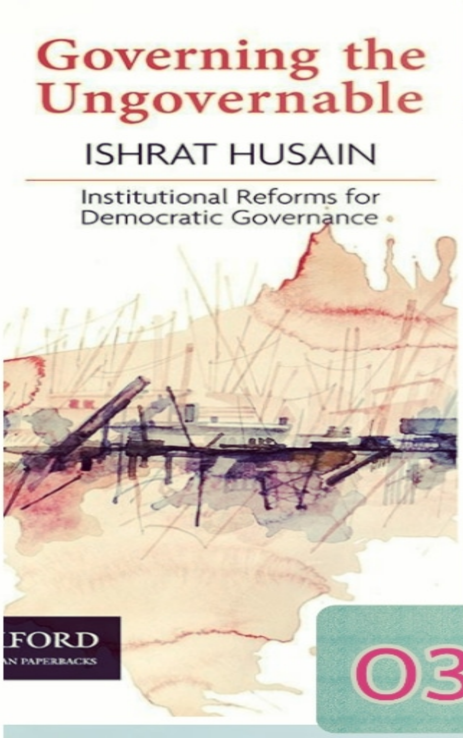
Observational Method:

By observational method is meant the collection of facts and information about the State, and political phenomena by direct and personal observation of them. For Political Science it is a true method of investigation. The American writer Lowell said that 'Politics is an observational and not an experimental science." However, it is sometimes assigned a secondary, even subordinate, role by some political writers. Nevertheless, Lord Bryce adopted it as the basic method for his political studies, as for example, in his books, The American Commonwealth and The Modem Democracies. He also laid down certain principles of this method. According to him, a political investigator must rely upon first-hand information; he must observe critically his sources of information; he must avoid generalisations not based on facts; he must also avoid superficial resemblances or analogies; the field of observation should be as wide as possible; the enquirer must also distinguish personal or accidental causes from general causes, and examine the relation of one fact to other facts. Lastly, he gives a sound advice. The first desideratum for a political scientist is to get the fact and then make sure of it. Get it perfectly clear. Polish it till it sparkles and shines like a gem. Then connect it with other facts. Examine it in its relation to them, for in that lies its worth and its significance. It is of little use alone. So make it a diamond in the necklace, a stone, perhaps a corner-stone, in your building."

Experimental Method:

Experiment means controlled observation, that is, observation of the phenomena under artificially created conditions An experiment requires three conditions: the things or phenomena should be of such a nature and dimensions as could be arranged and controlled by the experimenter; secondly, he must be able to exclude extraneous factors and influences from the artificially created conditions, and thirdly, the conditions must be such that they can be repeated at different times and in different places so that the conclusions arrived at may be verified by all subsequent experiments. Now, these conditions are fulfilled, par excellence, in physical sciences, but not so in social sciences in general and Political Science in particular. The reason is that Political Science deals with such materials as political parties, governments and States, which cannot be confined in a laboratory to be experimented upon. Nevertheless, if by experimental method we mean the trial and error method, or if we mean by it to be guided by past experience and observation, then the experimental method is applicable in Political Science also.

The nature of the society and State is such that they cannot be made an object of artificial experiments. "We cannot do in Politics, writes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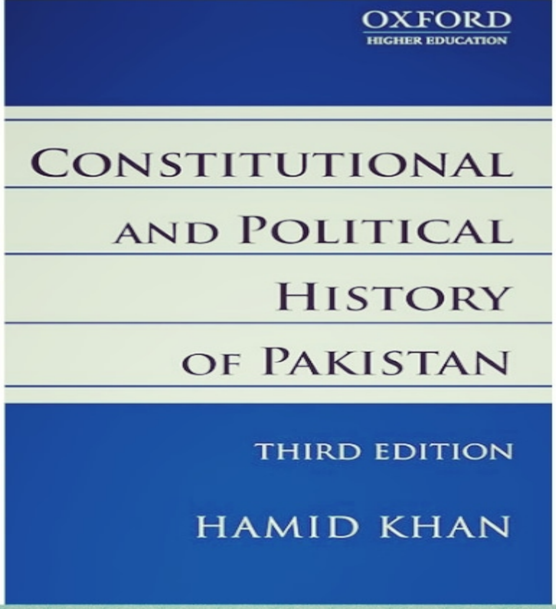
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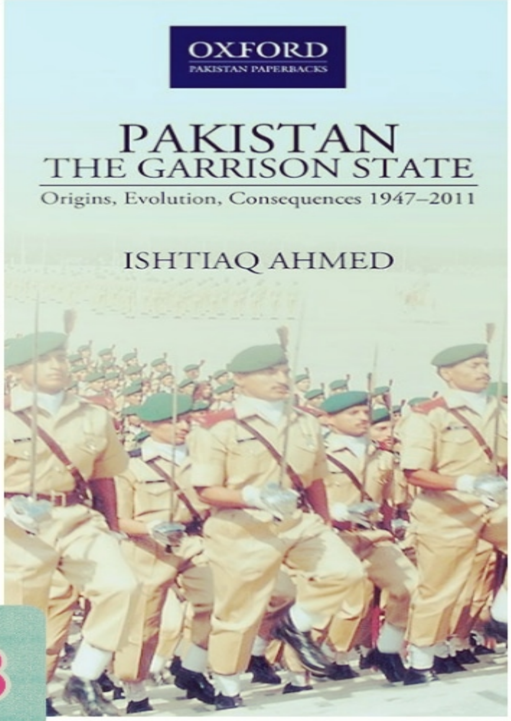
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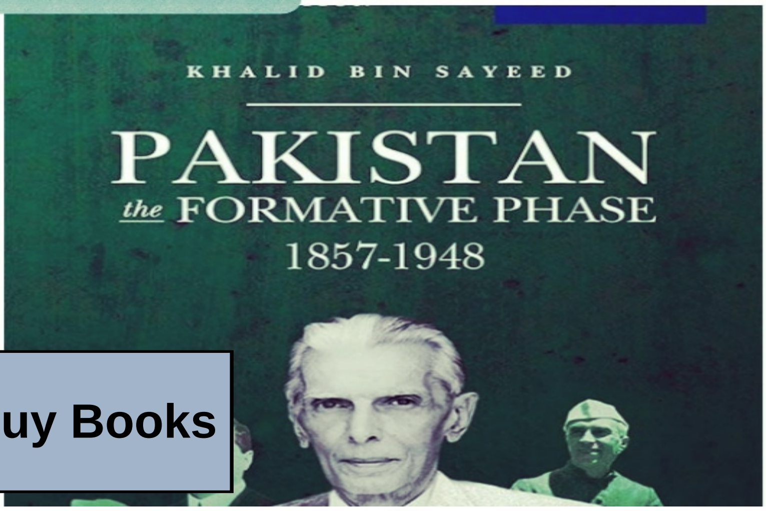
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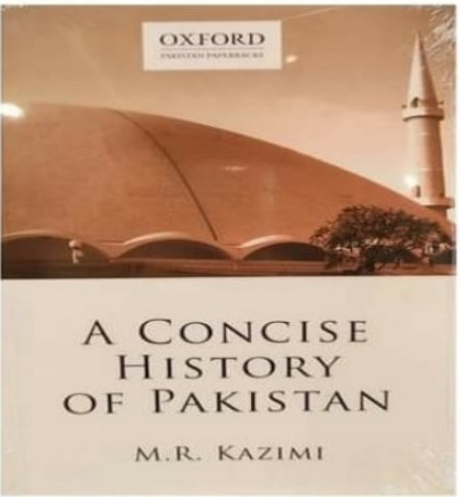
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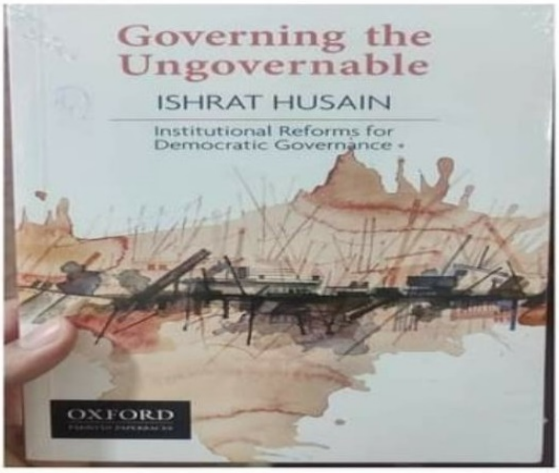
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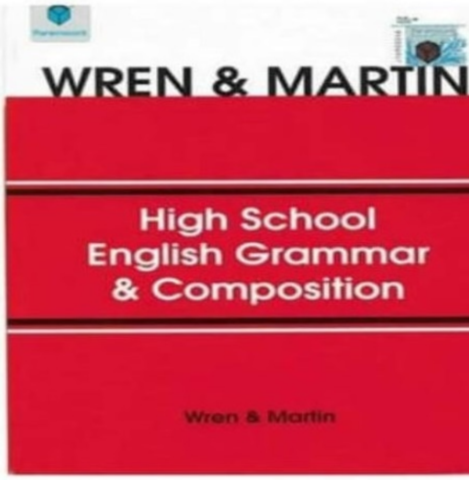
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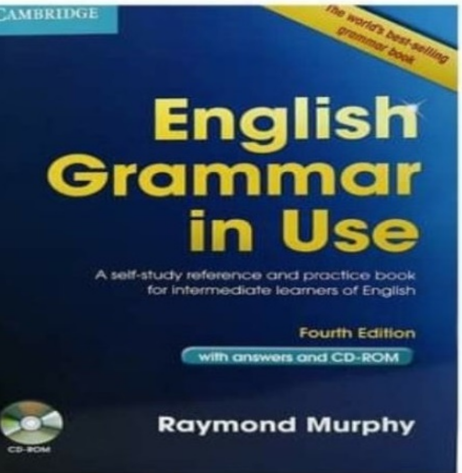
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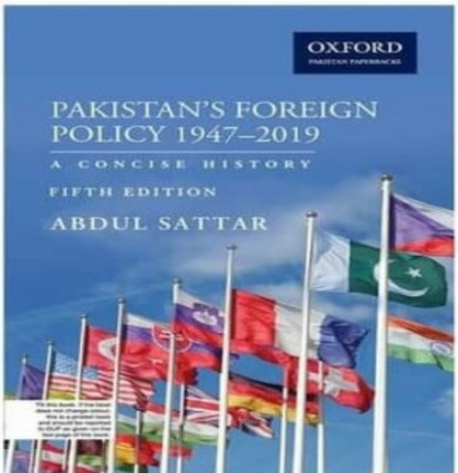
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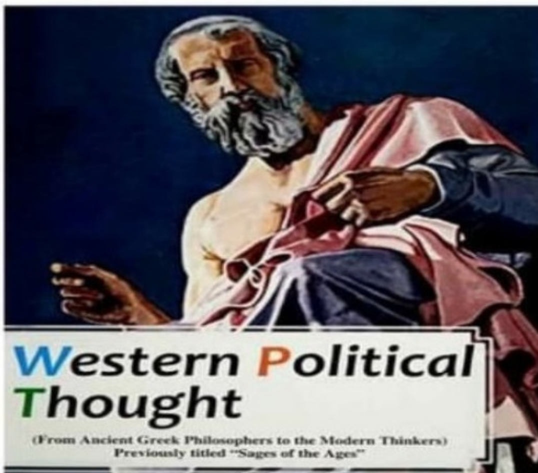
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Lewis, "What the experimenter does in Chemistry. We cannot take a portion of the community in our hands as the King of Brobdignag took Gulliver, view it in different aspects and place it in different positions in order to solve social problems and satisfy our speculative curiosity.". If a political scientist, for instance, wishes to experiment with democracy, he cannot select a State at will, introduce his democracy in it and wait for determinate results. He will not have them, because, firstly, the people will not permit him to experiment upon them. But even if they do, he will be unable to exclude such influences from his experiment, as famines, commercial crisis, revolts and the like which will affect his conclusions differently on different occasions. All this means that man; society, State and other social and political phenomena are such materials that cannot be experimented upon as we can experiment upon acids, *alkalies*, electricity or atom

Another difficulty of applying experimental method to politics is that of measurement. Natural phenomena can be quantitatively measured. You can measure the temperature of a hot substance with a thermometer, but you cannot measure the 'heat' of a heated debate on a bill in a legislative assembly. Opinions and other factors which influence politics are not capable of measurement.

Still another difficulty is that social phenomena do not repeat themselves uniformly as do the natural phenomena. Everything in human society and politics is constantly changing. We cannot repeat our actions again under the same conditions, because they do not reappear again. An ancient Greek Philosopher, Heraclius, said, "you cannot cross a river twice'. This is the real reason why prophecy or prediction is not possible in politics and other social sciences, and their laws are not exact, uniform and universally valid, as are those of natural sciences. So, even if we make an experiment in Politics and draw conclusions and laws, they may be useless, for we will not be able to apply them on the next occasion. Every event in social sciences is unique and has very little in common with similar events before and after it. Probability and not absolute prediction is possible in political reasoning and laws.

So we conclude with Lowell that "Politics is an observational and not an experimental science", and that the method of observation is its true method of investigation. "The main laboratory for the actual working of political institutions," he adds, "is not a library but the outside world of political life'. And there the phenomena must be sought and observed at first hand.

Experimentation of a definite kind possible.

Although scientific experiment, like that of a laboratory researcher, is not possible in Political Science, yet practical experimentation, that is, collecting data and results by observations of actual working of political institutions and experience of the laws and policy of the State, is possible in it. In fact, this is done everywhere in political life and study. All government activities are in fact political experiments. The enactment of every new law, the establishment of every new institution, the inauguration of every new policy, is experimental because it is made more or less permanent when proved by its results. Thus every new constitution is an experiment. All the States of the world are the laboratories for a political scientist, where experiments, great or small, are going on all the time. We can observe these experiments and draw general principles from them for future guidance. In present times, such political experiments are deliberately undertaken by Statesmen and by political parties and leaders. It is for example proposed, in Pakistan to experiment with Parliamentary democracy. One of the greatest experiments in political science is made in the Soviet Union, China and other communist countries, where a new society and State are built on the teachings of Communist philosophy of Marx and Lenin. So, we conclude that though (the experimental method as applied in Physics and Chemistry is inapplicable, nevertheless there is a wide field of experimentation of a definite kind in Political Science.

Historical Method:

Political Science is an observational science. When observation and comparison are undertaken regarding things of the past, it becomes the Historical Method. It supplements the experiment method, because history is but an experiment made in the past. Thus Historical Method combines the advantages of three methods, namely, those of observation, comparison and experimentation or experience. Prof Gilchrist aptly remarks, "The source of experiments of Political Science is history; they rest on observations and experience. Every change in the form of government, every law, every war in the past is an experiment in Political Science."

Historical Method seeks to study States and political institutions with reference to their origin, their growth and development. They are not made, but grow. They are the products of history. To know them what they are today, we must first know what they were in the past and what forces shaped them. Further, what we have learnt from the past history of one institution can be verified by a similar historical study of other organisations and institutions. Thus our conclusions and generalisations will become more correct and valid. On the basis of these conclusions we can formulate laws and principles about the future evolution and development of these institutions and guide the process of their evolution. It is rightly said that the present is built on the past, and runs into the future. Consequently, our knowledge of the past politics makes us understand the present one and be wise for the future. It is only by knowing the past and the present that we can plan for the ideal institutions of tomorrow.

The great writers who used this method were Montesquieu in France, Savigny in Germany, and Sir Henry Maine in England in the past while Seeley, Freeman and J.H. Laski are its modern exponents.

Criticism. — Historical Method is exposed to certain defects and drawbacks. Lord Bryce, who used the identical method of comparison, warns us that we must not be misled by superficial resemblance of the so-called 'historical parallels', which are usually interesting, sometimes illuminating but often misleading. It is a very common fallacy that what was good in the past would be good for our age because of some apparent resemblance between the two ages. It is based on such reasoning: "Because such a law, such a form of institution or government, such a measure or line of policy was suitable in ancient Greece or early Arabia of the Caliphs, therefore it should be suitable here and now." It is commonly believed that history repeats itself. But the fact is that history never repeats itself in exactly the same way. "You can cross a river only once." Everything, political or social, occurs under more or less changed circumstances. There may be some resemblance with the past occurrence, but not total identity. That is why the historical method serves no useful purpose in solving our present and future needs, for it refers only to the experience of what the political institutions have been in the past. Every age has its own problems and every problem requires its own solution relative to the time in which it occurs. Another defect is that historical method is based on a mere narration of facts. It is not concerned with their ethical evolution, i.e., with the good of the political institutions and events. It enables us to discover things as they have been in the past, but does not inform us what they should be now. Lastly, historical method needs a sharp judgement and an impartial mind. In the study of history we are often subject to emotional influences of bias and prejudice. We look into the past not as it actually was, but as we wish it to be. Our interpretation of historical past is often our presuppositions about it. In using this method, therefore, we must take care in the selection and analysis of material and should avoid bias and prejudice.

Comparative Method:

It resembles with the historical method, but is more general than the latter. It was first employed by Aristotle, who was said to have compared 150 constitutions in order to State general principles underlying them. In modern times it was used by Montesquieu, Maine, De Tocqueville, Bryce and others.

The comparative Method is, first of all, based on the general scientific principle that similar causes produce similar results. Comparative

Method requires accumulation of six logical processes, arrangement, classification, coordination, elimination, and deduction. By these processes we sift out common causes and consequences. On this basis we can State the law that if the common cause is found in any situation afterwards, it will be followed by the same consequence. For instance, if we compare two democratic States and find one prosperous and the other not, and also find that the prosperous one follows a protectionist policy, we are justified in concluding that protectionist policy produces prosperity. The Comparative Method has been much applied in framing new constitutions in modern times. For instance, when the Constituent Assembly of Pakistan was drafting the proposed Constitution for Pakistan in 1951-56, it undertook a comparative study of the existing Constitutions of Western Europe, America and of certain Muslim countries, and was guided in its task of framing 1956 Constitution by the conclusions of this comparative study.

The Comparative Method must, however, be used with great care. It has certain defects. It is based on that facile assumption that the same cause in different circumstances will produce the same result. In comparing political institutions with a view to find out the general principles underlying them, we must take into account the diversity of conditions and circumstances. Superficial resemblance must not make us believe that two States are identical in basic principles as well. Differences of economic and social conditions, of temperament and traditions, moral and legal standards, etc., determine the basic features of a polity. For instance, no comparative study can conclusively prove that the parliamentary system of government will produce the same results in Pakistan as it did in England. In fact the makers of the Pakistan Constitution of 1956 set up the Parliamentary system in our country on English model, but it soon failed to work. It was due to the differences between Pakistani and British political cultures. Hence, three precautions are necessary in a comparative study: to avoid superficial resemblance, to assemble all the relevant facts of the problem under consideration and to make proper allowance for diversity of conditions and customs.

Method of Analogy:

This method is reasoning by resemblance. It is based on the assumption that if two things resemble each other in certain points, they can be assumed to resemble in all other points and are, therefore, identical in nature. This method was used by Herbert Spencer when he declared that the State is a living organism like animals, because it has certain resemblance with animal organism. It is a useful method, but must be applied with great caution. It must be remembered that analogy is not proof and that resemblance is not identity. Analogy becomes misleading, if carried to an extreme. It gives probability, not certainty. Superficial resemblance is not similarity of essentials.

Statistical Method:

Statistical method means measuring and counting something. Measurement is an essential method for surveying a political event, like voting. We shall deal with statistical techniques of measuring political opinion later on.

Scientific Method:

Scientific Method is both an attitude and a procedure. As an attitude, scientific method "consist in the persistent search for truth, constantly asking: Is it so? To what extent is it so? Why is it so? What general conditions or considerations determine it to be so? And this can be seen on reflection to be the demand for the best available evidence, the determination of which we call logic. In essence scientific method is simply the pursuit of truth so determined by logical considerations."

Methods are to be judged scientific or not depending upon the reliability of their results, and if successful replication is possible, that is, the experiment can be repeated. "A political scientist pursues scientific study (i) if he has, as his object of inquiry, a matter that can be illuminated by empirical evidence, (ii) if he accords to empirical evidence highest probative force, (iii) if in search for analysis and evaluation of evidence, he approaches the highest standards which other social scientists have proved to be attainable, and (iv) if he "reports his procedures and his findings in a way that affords other students ample opportunity to judge whether his evidence supports his findings".

A General Method of Political Science:

As the review of the methods described above would indicate, Political Science does not and cannot confine its study to a single method. It is partly due to the difficulties of methodology, and partly due to the attitude and approach of the political scientists, whether scholars, students or research workers. They do not view political problems, from one and the same angle, but from different and even divergent ones. Some of them, especially those who are of philosophic bent of mind adopt the deductive, rationalistic and aprioristic methods and think in terms of theories and hypotheses. Others, especially those who have historical interest or inclination, apply historical and comparative methods and are inclined to study the origin and evolution of the political institutions. Those who are interested in law and jurisprudence tend to emphasise the legalistic and juristic method in political study. Yet others, especially in recent times, when physical sciences, i.e. Physics and Chemistry, have made much spectacular successes in science and technology, tend to emphasise the empirical and inductive method in order to replace dogma with facts. Finally, many a political scientist upholds the statistical, psychological, anthropological and geographical approaches to the study of political affairs and problems.

In conclusion, whatever be the method or approach adopted, a political scientist must always be guided by the following principles:

1. He must not allow his values or desires to obscure the facts.
2. He must compare his values with the values of other individuals and groups.
3. He must examine the institutions of society that affect his desires and the desires of others.
4. He must take into account the unexpected and accidental behaviour of others.
5. He must devise a strategy for achieving his goals.
6. He must remain modest in enunciating his conclusions and be ready to revise his goals and conclusions, whenever need arises to do so.

Political phenomena are always variable and unpredictable. No single method or approach can provide final and lasting solution to all the problems which constantly arise in politics and State. Hence Political Science should always be ready to learn all it can from all other sciences, especially from all other sister sciences of society and man, such as Economics, Sociology, Ethics, Psychology, etc. Indeed they constitute a quarrelsome family, with some of them, e.g., Economics or Psychology, claiming to be exact sciences. This should not be the attitude of Political Science. Its greatest virtue lies in humility. Few political scientists believe that any single method or approach can ever solve all the problems as they will arise in the life and relations of men and the States. That is why Political Science is always ready to learn all it can from other branches of human knowledge, without claiming to offer final solution or to have arrived at definitive principles or unchallengeable theories or conclusions. This attitude alone insures its continuing growth and its academic validity. Politics is, mainly, a matter of conflict and struggle of panics, ideologies and personalities. The methods of Political Science should aim at an integrative approach to these conflicts by applying these methods with care, patience, judgement and cooperation with other social sciences.

Section 3: Techniques of Political Science

Approaches and methods, described above, are general frames of thought. They are logical systems employed for studying the State and politics for centuries past. Political Science is a homothetic discipline, i.e. it seeks to discover laws or regularities in political behaviour. That is the reason why the students of Political Science now search for tools and means by which they can measure or quantify the behaviour of the people engaged in some sort of political activities, like voting in general elections or in the legislatures, or to study the attitudes or beliefs which make people to become members of various political parties, etc. These tools and means of quantitative studies of political behaviour and attitudes etc. are known as the techniques of Political Science. Most of them are derived from such other social sciences as sociology, psychology, etc. Techniques are the neat and precise ways of investigating facts under the general frame of a methodology in order to discover regularities or laws in political behaviour, attitudes, etc. These techniques have been devised during the last one century or so, and many more would be devised in the future. Statistical techniques have become important aids to political studies. Some of the techniques are described as under.

Study of Documentary Materials:

There are innumerable documents relating to various political institutions, like parliaments, parties, interest or pressure groups, political movements, etc. They are, for instance, parliamentary, proceedings and committee reports, other government publications, political parties' manifestoes, reports and other publications, newspapers, magazines, periodicals and other printed materials, such as books, memoirs, autobiographies, encyclopaedias, etc. All these documents and publications are the source materials for the research workers to study these institutions, parties and movements. They provide us information about their work, functions, their decision making processes and the attitudes and voting behaviour of their members and leaders.

Direct Observation:

The students of Political Science can themselves directly observe the workings of the various political bodies, such as parties, pressure groups, and governmental organs, such as the legislative assemblies or administrative departments or local self-governing bodies, etc A still more closer method of observation is that of the "participant observer". In this case the researcher himself participates in the proceedings of a political party or movement. Interviewing politic-workers and leaders is another important technique of Political Science.

Survey Techniques:

During the last fifty years or more, various kind of survey techniques and methods have been devised in social and political sciences.

They are important data collecting techniques and methods. By survey we mean the method of collecting and analysing data on the behaviour of a large or restricted number of people. Population surveys are undertaken for social and political purposes, or election surveys to forecast election results. Gallop Poll is a well-known example of such surveys. It is a technique of "sample survey", whereby the activities, attitudes and responses of a large number of people are studied. A "sample" of some restricted number of them, carefully selected, is surveyed and the result is then applied to the whole people, such as voters. An individual may be asked questions, which is the method of "questionnaire". These two techniques are extensively used in opinion polls, i.e. to study public opinion.

Chapter 4

Political Systems: Theory and Typology

From Institutional to Systemic Approach:

Institutional approach in the study of politics has been common in the past. Political Science was believed to be mainly, even exclusively, concerned with the study of such political institutions as the State and government, their various activities, pans and functions. In this approach, no attempt was made to see any relationship or effects both within and outside an institution. However this approach began to change at the end of the nineteenth and in the beginning of the twentieth century. It was brought about by a new approach to the study of politics, which is known as systems analysis. It was also due to the need for comparing different kinds of States and governments in the world, especially after the World War II.

Systems Analysis:

From about 1930's and especially since the behavioural revolution in 1950's the study of politics has been influenced by the concept of systems analysis. This concept is derived from biology and physical sciences, in which the focus is on systems. "Systems are bounded regions in space-time, involving energy interchange among their parts, which are associated in functional relationships". In simpler words, it means that every living and non-living body consists of two or more parts, which are constantly acting and interceding with each other as well as with the environment around it, as a single operating whole, or as a system. Examples of such operating wholes or systems are countless, for the whole universe is full of them. Some are very small and others immense in dimensions. "The atom is a system, and so are molecules, crystals, viruses, clocks, engines, ocean fleets, animals (including humans), small groups, like families or schools, societies (including States or political systems), planets, solar systems, galaxies, etc. "If, however, we restrict ourselves to living systems, they are really behaviour systems, which extend from viruses and animals to human societies and political systems. Moreover, a system consists of two or more subsystems. For instance, human body, which is in itself a system, consists of several subsystems, such as the nervous system, the digestive system, the circulatory system, etc. In its turn,

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the circulatory system consists of such organs as the heart, the lungs, the arteries and veins and the blood, each of which is a subsystem in itself. Now each of these organs performs its own functions, but in an integrated and interdependent manner, which keeps the body healthy and alive. Heart's function is to exchange carbon dioxide in the blood for oxygen, inhaled by the lungs from the atmosphere outside. If any one part fails in its function the whole system will be affected. If the failure is serious, the body will become sick and may even die. Health or the proper functioning and maintenance of the system is its end or purpose. This is the systemic approach which behavioural and certain other political scientists have applied to the study of politics.

Definition of a system:

A system is a structural functional organisation of two or more separate but interdependent parts, which form an integrated whole to achieve some objectives. Each system has two or more subsystems within it, while it is itself a subsystem of a larger system, which forms its environment. For example, a family is a subsystem of the society, or a political party is a subsystem of the State; which is itself a political system.

Every system has the following characteristics:

(i) ***Inter-dependence:*** It means that the functioning of a system depends on the proper functioning of each one of its component parts. In other words, the properties of a component part are affected by the properties of the other component parts.

(ii) ***Dynamic Equilibrium:*** A system maintains itself throughout a limited period of time. If anything goes wrong in it, some regulatory mechanisms comes into operation' to restore equilibrium. This regulatory disturbance may be due to internal or external causes. This regulatory mechanism is known as homeostasis. For example, human body maintains its temperature at about 37 degree centigrade both in hot and cold weather. In a refrigerator, a thermostat maintains temperature at a desired level.

(iii) ***Activity:*** A system is a flow process: it exists to convert inputs into output. What a system takes in from outside is known as its input and what it gives out is known as its output. In our example above, oxygen in air which we inhale is an input of our circulatory system, and the carbon dioxide which we exhale is its output.

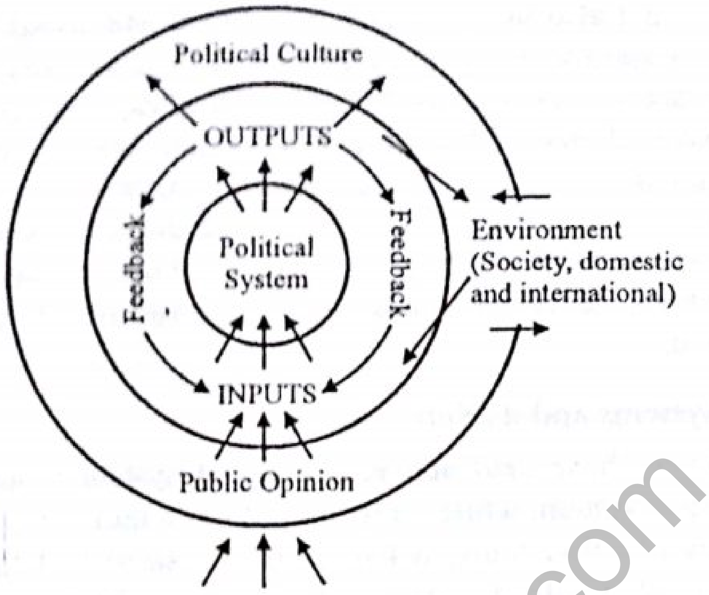
(iv) ***Dependence on external environment:*** A system can maintain itself by constantly interacting with the environment around it. Such a system is known as an open system. If a system does not depend on the environment around it or is self-sufficient, it is known as a "closed" system, which is rarely so. All living systems are open systems, interacting with their environments.

Comparative Politics: Yet another influence on the adoption of systemic approach was the widening of the information and knowledge about global politics. In the past, the scope and subject-matter of Political Science was confined to the countries of Europe and North America. Therefore all the concepts and categories used in it referred to the political life and experience of these countries only. In fact, for the political writers and thinkers of Western countries the political structures and institutions in the non-Western world did not exist at all. One reason was that the countries and people of Asia, Africa and South America were either directly or indirectly ruled or dominated by the Western imperialist powers, such as those of Great Britain, France, Holland, United State, Spain etc. But after the First World War (1914—18) and especially after the Second World War (1939--45), the hold of these imperialist powers relaxed and dozens of new countries and nations in Asia, Africa and South Africa became independent and sovereign governments and States, now known as the developing countries of the Third world. At the same time, the rise of the totalitarian dictatorships in Fascist Italy, Nazi Germany and Soviet Russia challenged the old liberal democracies of Western Europe. The newly established nations and States of the Third World also presented another kind of challenge. Many of them have adopted the same political institutions and forms of government as existed in the "developed countries" of the West, which had recently ruled them, such as the parliamentary or presidential forms of government. In spite of it, the political life and culture of these countries are in many ways quite different from those of the European and North American countries. The expansion of the Western type of politics to most of the countries of the whole globe has produced both similarities and dissimilarities in the politics of the Eastern and Western countries. Hence the need for "comparative politics" which seeks to explain the diverse types of "political systems" in these countries the concept of "political system" is one of the concepts of the Comparative Politics, a new subdivision of Political Science, as we said in the previous chapter. It is a comparative concept which seeks to explain political activities, relations and processes of diverse types of nations and States of the whole world.

Definitions of a Political System:

A political system means a network of individuals, groups and organisations whose interactions, and relationships help to determine, enforce and interpret the rules and policies governing the behaviour of the society. It includes not only the governmental institutions, such as legislature, courts, or administrative agencies but also all structures in their political aspects, as Almond says.

The political system in a society may be depicted in the form of a diagram as below:



Every political system exists within a social system or society, of which it is, really, a subsystem along with other subsystems, such as economic, cultural or educational subsystems. The society around the political system is its *environment,* from which it is separated by its *boundaries*. The political system consists of the following (i) Political structures, e.g. government, political parties, pressure groups, etc., (ii) political functions or roles performed by actors or agents of the political structures, (not shown in the diagram above): (iii) patterns of interaction between actors and agents and their values and attitudes called *Political culture*, and *Public Opinion*- and (iv) the political process of *inputs* and *outputs* and *feedbacks.* All parts of the political system interact with each other, which constitute its *political process*. It consists of three parts, viz., *inputs, outputs and feedbacks*. The inputs are the *demands* of the people which they make on the government and the *supports* which they provide it. Demands arise from the needs, desires and expectations of the people, expressed as their opinions or public opinion or by the political parties, interest or pressure groups and other media. The supports are the values, attitudes and beliefs of the people, which form the political culture. Outputs are the decisions (rules, laws and policies) of the government made to realise the popular demands. Feedback is that part of an output which affects the input and thereby improves the quality or causes self-correction of the decision-making process of the political system.

The political system is a goal attaining subsystem of the society. The function of a political system is to convert inputs or demands of the people into outputs or decisions of the political authorities. It is a structural functional subsystem of the society, which is its environment, from which it derives its resources in order to satisfy the demands of the people. However, the environment also includes several political and social subsystems. The political subsystems are political parties, interest or pressure groups, etc., while the social sub-systems are the families, religious communities, cultural associations and clubs, educational institutions like schools, colleges, universities, etc., commercial, industrial and other economic organisations like the factories, farms, trade unions, corporations, etc. All these political and social sub-systems are the sources of the demands which their members, or people, make on the government and also provide supports to it.

Political Systems and its Sub systems:

As we have said above, a political system is a sub-system of a larger political system, while, in its turn, it has a number of sub-systems and sub-systems of subsystems. It has been calculated that there are, at least, four levels of political systems and their subsystems. They can be hierarchically arranged as below:

First Level	International Political System
Second Level	National *Political Systems,* e.g. Pakistan, China, Iran, Egypt, Algeria, France, Great Britain, Holland, Canada, USA, Mexico, Brazil etc.
Third Level	Decision-making sub-system; e.g. governments, political parley (sub-system) Interest or pressure Group (Sub-system)
Fourth Level	he individual, as a voter, etc., with his/her interests, demands and supports.

First level: the International Political system. It can be divided, at second level, into several national political systems, such as those of Pakistan, India, China, USA, USSR, Great Britain, France, Saudi Arabia, UAE, etc. There are nearly 160 national political systems or national States in the world today. Thirdly, each of the national political system can be divided into such subsystems as decision-making system or government, party system, etc. Finally, each of the political sub-systems consists of several individual men and women, as voters or participants in political activities. Each individual has his or her interests, attitudes, beliefs, values, etc. They link him or her with a political subsystem and national political system, on the one side, and with other social or economic, and other sub-systems and systems, such as a family, a school, an office, a shop or a workshop, a factory, farm, religious group or community and so on and so forth. Thus every man, woman and child is embedded in a vast political and social systems of his State and society.

Types of Political Systems:

In the world today, there are several types of political systems. They are differentiated from each other on the basis of the principles of (i) democracy and (ii) modernity. A political system is said to be democratic if its political subsystems, like political parties or interest groups, enjoy autonomy with regard to the decision-making governmental system. If not, it is a non-democratic political system. The second criterion means that a political system has modernised its social and economic systems. If not, it is a traditional political system. Hence there are four types of political systems, as under:

1. Traditional non-democratic political system:

It is a political system in which the traditional forms of social life, such as castes, and clans, still exist and dominate the decision-making governmental system. Such political systems existed in the ancient times in Asia, Africa and Europe. They were either tribal chieftainships, or monarchies, in which the kings or emperors were autocrats or despots. But they ruled with the support of powerful tribes and clans while the rest of the population did not participate in the governmental decision-making activities, as for examples the ancient Persian Empire or the Mughal Empire in medieval India. In modern times, such political systems have virtually vanished. Still a few examples are found in such States as Ghana, Uganda, Saudi Arabia, etc.

2. Traditional Democratic Political System:

In this type of political system, the governmental decision-making system is democratic; at least, constitutionally speaking, and the political sub-systems, like political parties, etc., enjoys constitutional freedom to participate in politics and possess political autonomy to do so. But they are really dominated by such traditional kinship groups as castes, tribes, local *baradaries,* etc. The result is that though the governmental structure is democratic, but it operates in the interests of powerful traditional groups. Examples are mostly found in the Third World countries, such as Pakistan, India, Iran, Iraq, Syria, Egypt, etc. India's case is very interesting. It claims to be "the biggest democracy in the world", but it is a democracy of dominant Hindu high castes, such as the Brahmin, *Bania*, etc. A Hindu businessman has aptly remarked, "India's constitution may be secular but India will always be a theocracy." It means the Indian political system is a rule of the priestly class of the Brahmins for the sake of the Indian Bania or middle classes. Even the rapid industrialization of India will not make it a modern democratic State, due to such new forces in Indian politics, as the rise of Hindu Fundamentalist and Communalist groups and parties, like, *Shiv Sina*. Etc.

3. Modern Non-democratic Political System:

The modern non democratic political system is really a new type. It came into being with the rise of modern dictatorships, whether fascist, Nazi, communist, military or nationalist. In this type, the political and social sub-systems possess no constitutional, even legal, right and autonomy to share in the political process of governmental decision-making. All powers are in the hands of the dictator and his group or party. This type is of two varieties: authoritarian and totalitarian. If the dictator uses modern means to maintain his sole absolute authority, the type is authoritarian, e.g. Nasser's Egypt. But if the dictator exercises his authority over all sphere of national life and society, whether political, social, economic, cultural, educational, intellectual, academic, etc., the type is then totalitarian, e.g. Nazi Germany, Soviet Union, Communist China, and other communist States. However, the communist totalitarian type is changing at present due to such programmes as glasnost (openness) and *perestroika* (Restructuring), as in the Soviet Union, which may change it into a modern democratic political system.

4. Modern Democratic Political System:

This type of political system is modern and democratic. It is modern because of its high level of industrialism, pluralist society, autonomy of the social and political sub-systems, such as political parties, interest groups, etc. It is democratic because of freedom of political participation for all citizens and groups by means of right to vote to elect the decision-makers. This type is "the wave of the future".

Can one type of political system change into another? Most of the behavioural political scientists are of the opinion that no political system can change from one type into another. They believe that every political system is unique. It is neither produced by any other type of political system, nor does it give rise to any other. In other words, it has neither history, nor evolution. However, some political scientists believe that there is some change in every political system, for instance, Gabriel Almond has expounded a theory of development in a political system, which we shall discuss in a later section of this chapter.

Two Well-known Political systems Analysts:

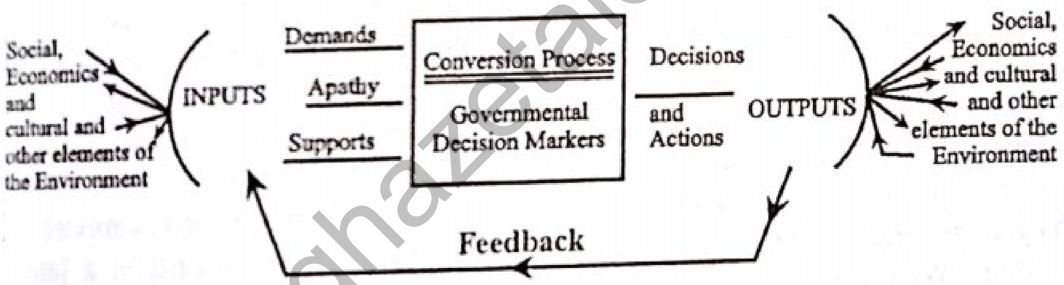
David Easton and Gabriel Almond:

Since 1945, many political scientists, at first mostly Americans, have adopted the systems approach to the study of politics. Among them, two are most prominent, namely David Easton, who "was, in fact, the first to do so, and Gabriel A. Almond, who further elaborated it. We shall first discuss David Easton's analysis of the political system, and afterwards that of Gabriel A. Almond's.

David Easton and his Systems Analysis:

David Easton was the first American political scientist to apply systems analysis to politics in his book, The Political System, which he wrote in 1953. He continued to discuss the systems approach in his later books: A Framework for Political Analysis and A System Analysis of Political Life, both written in 1965. He claimed that his systemic theory embraced all the social systems as well as the whole political process. Since 1953, David Easton became one of the prominent exponents of the "general systems" approach to Political Science. He was one of the few who came from within this discipline rather than from other social sciences, such as sociology. In 1969, he became the president of the American Political Science Association. In his presidential address to the Association, he modified somewhat his behavioural approach to politics. He asserted that the political scientists should not .concentrate on facts only, but explain them on the basis of a theory which was usually neglected by them, i

Before we explain his political system, we may depict its basic components in a diagram as below:


Social,
Economics
and
cultural and
other elements of
the Environment
INPUTS
Demands
Apathy
Supports
Conversion Process
Governmental
Decision Markers
Decisions
and
Actions
OUTPUTS
Social,
Economics
and cultural
and other
elements of the
Environment
Feedback

Flow Chart of David Easton's Political System (Polity or State)

Definition: Easton defines a political system as "that system of interactions in any society through which binding or authoritative allocations are made and implemented. Authoritative allocations relate to the values or objects or resources of human needs and desires. They can be roughly translated as laws or acts of policy.

Easton's model of the political system (commonly called a polity or State) consists of two main parts: the environment and the political system as such. The political system consists of (i) the conversion process, shown as "the box" in the model (ii) the inputs, (iii) the outputs and (iv) the feedback. We may add here that, according to Easton, there are, besides the political system, two other political systems. One of them is below it, which he called *para-political* system, e.g. political panics, pressure groups, etc. and the other is above it, namely the international political system. But it is the national political system which is a political system par excellence because it alone makes and implements authoritative decisions allocating values or goods and resources to individuals, and groups, in the society.

Environment: According to Easton, political life is "a system of behaviour embedded in an environment to the influence of which the political system itself is exposed and in turn reacts". The environment, within which the political system exists, comprises all the social, economic, cultural, religious, ideological and other conditions, without which a political system cannot' exist. In more concrete terms, it means the natural and human resources of the economy, ecological conditions, and all other material and non-material variables. They also include the international resources, influences and conditions For instance, both Soviet Union and U.S.A. are international resources for Bharat, while for Pakistan. America is the only resource. Both the internal and external variables are not a pan of the political system. According to Easton, "In the environment we have such systems as the ecology, economy, culture, personality, social structure and demography". The limits or lines, which separate the environment from the political system, constitute its boundary. Within the boundary lies the political system, which is defined by the possibility of the exercise of legitimate force of its binding decisions. But the boundary is constantly changing, because the conditions in the environment are also constantly changing and the political system has to cope with these changes or variables. They constitute the external variables of the political system. They are the forces which shape and change the inputs some of them come from within the system itself. It may be further noted that Easton's model is based on behavioural approach to politics. As he himself said in a later article, "We have been interpreting political life as a system of behaviour set in an environment and open to the influences stemming from that environment, as well as from internal sources."

The Inputs: Political process begins with the inputs. They are, broadly speaking, of three kinds: demands, supports and apathy or opposition. The government receives the demands and the supports from the domestic and foreign interests, that is, from the environment around the political system. Demands provide the raw material or information, which the system must process and the energy which the system needs. They lead to political activity. They are the signs that the people or the groups want action. They arise either in the environment (external) or within the system itself (internal). The external or environmental sources of the demands are the major portion of the demands, shaping the variables from outside the political system. They can be expressed in all manner of ways, such as public opinion, polis, political parties, pressure groups, letters written to the governmental system, and also by means of riots, public demonstrations, and protest marches, etc. But the demands may arise internally from within the governmental system itself. They arise from such aspects and influences as the representation system, the nature of the constitution itself and the norms and procedures of the governmental system; they also arise from the values of the political culture of a political system. In short, they are the significant parts of the material on which the system operates. They are also the one important source of change in the political system. Roughly speaking, out of about one lakh needs, desires, expectations, plans and projects of the people, including social groups and political parties, about one thousand become their demands. Out of about one thousand demands about one hundred become challenges or issues which influence the government decision makers Out of one hundred issues about ten are actually converted into outputs, i.e., become laws and acts of policy. In a democratic polity, out of the ten outputs, nine have originated from the people or political parties and groups, while one has come from the government itself. But in an undemocratic polity, such as a dictatorship or an autocracy, the ratio is reversed: one effective demand comes from the people, while the nine come from the government. Demands are of several kinds. They depend on the type of the political system. Some of them are as follows-

Economic demands include the desire for higher living standards, better employment opportunities or welfare or social security benefits.

Regulatory demands means the demands for specific legislation, laws for maintaining peace and order, improving Community relations, protecting human rights, etc.

In Islamic countries like Iran, Pakistan, or Saudi Arabia, religious demands may be more important than economic or cultural demands.

The ***"Intermediary gatekeepers"*** In the examples given above, we have said that demands can be in thousands. If all of them become effective or realisable demands or issues, requiring to be convened into outputs, they will overload the political system the conversion "box", i.e. the government. Every desire or hope cannot become a demand. The *"intermediary gatekeepers"* are the regulatory mechanisms which enable the political system prevent some wants. e.g. expectations, opinions, preferences or interests, from becoming issues or realisable and effective demands, and thus prevent overloading of the political system. They are as follows:

1. Structural mechanisms: They are the activities of opinion-leaders, political parties, mass media, pressure groups and the elite classes.

2. Cultural mechanisms: The cultural mechanisms are the norms which regulate behaviour, impose taboos; and also include the socialisation process.

The *"gatekeepers"* operate at various levels of the political system. They sit astride the flow from demand to output and, via the feedback loop back to the input side. They are known as "gatekeepers" because they operate at those strategic points, where demands can be stopped, selected, winnowed down, combined with others or are otherwise altered. It may be mentioned that there are more "gatekeepers" in a democratic State than in the undemocratic dictatorships or autocratic governments, which restrict them from arising. In the examples givens above, in a theocratic State, the- gatekeepers winnow out economic or cultural demands, while they select and strengthen religious ones.

The supports: Supports constitute another kind of inputs. In simple terms it means that the political system exists so long as the government has the support of the people. Supports can be in both active and passive ways. An active support is in the form of actions or attitudes which promote or resist a political system or the demands and decisions which are needed to keep the system going. This refers to three levels which exist to ensure the maintenance of the system which are as under:

Firstly, *the political community:* It supports the system through payment of taxes, participation in elections, obeying laws and accepting certain values, Thus people are part of a total political community, and provide allegiance to the system. The allegiance expresses national unity or "consensus"

Secondly, *the regime:* its members must support the constitutional principles of the political system which legitimise action and provide authority and links between various parts of the political system, such as the executive, the legislature, judiciary, political parties.

Thirdly, *authorities:* They must support the actual government if it is to perform its functions. Public opinion or the views people hold on political or social issues, can also act as a support. Governments generally see to it that their policies satisfy the public's expectations.

Apathy: It is a lack of input. It is a matter of common observation that there are always some people who are indifferent to the political demands. For instance, they do not participate in voting at the time of election. It is a passive indifference. But it affects the inputs. The fewer there are those who participate in politics, the lesser the inputs in the conversion process. Thus the political process is both quantitatively and qualitatively affected.

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Conversion Process: Surprisingly enough, Easton says little about the conversion process by which the government actually transforms the inputs into outputs by authoritative allocations or binding decisions. It is the process by which (i) demands are articulated and aggregated into policy proposals and (ii) demands are converted into authoritative decisions which are the OUTPUTS.

Outputs. Outputs are laws or policies. They are the decisions and actions of the authorities. They are of the following kinds:

(a) extractive, e.g. tax-collection;

(b) regulative e.g. laws;

(c) allocative, i.e. activities which allocate public funds to alternative uses; and

(d) judicial decisions, treaties, executive orders and administrative decisions.

The list of the outputs can be much longer than mentioned above. Briefly, all the activities of the government can be grouped under the broad heading of the outputs of the government. What government does to allocate values or objects of human needs to the society in response to the demands and supports of the people and of special interests are the-outputs.

The feedback: The feedback may be defined as the reactions of the people to the decisions and acts of the-government called the output. Every government action is bound to cause some reaction from at least some of the people. It may be a response of the people who made the original demand or of those who are affected by the output. The feedback is, thus, a dynamic process through which information about the output is communicated back to the system in such a way as to affect the subsequent behaviour of the system. It is a cyclic process by which the government can know how the system is working for the satisfaction of the needs or demands of the people. This is the reason why Easton's model is called flow model of the political system.

The stress: A political system may be in a State of stable equilibrium when the input-output flow may be operating smoothly. But there may be conditions when it is subject to various stresses. They are, for example excess demands, lack of support or the outputs which produce hostile or adverse effects in the environment or the feedback may be overcharged with old and new demands. In such conditions there are various kinds of political protests, which include pickets and strikes, rallies and riots. As the political system seeks to persist in time, it will meet the stresses by its own remedial or regulatory mechanisms and responses. Indeed, no real political system works exactly like the model. There are often many kinds of snags, especially in the developing countries. They are, to mention a few, lethargy of the people, including that of the authorities, corruption, lack of democratic freedoms or outright acts of tyranny and oppression.

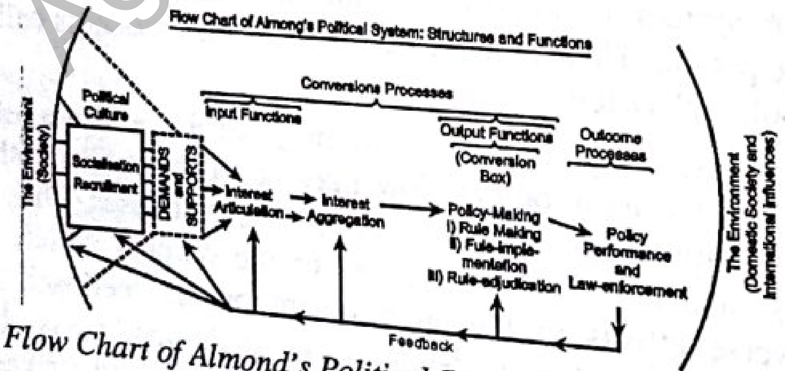
Gabriel Almond and his Systems Analysis:

Gabriel Almond is another prominent American political scientist who has adopted the method of systems analysis in Comparative Politics. He presented it in a number of articles, first of which was written in 1956, and later in a number of books, viz. *The Politics of the Developing Areas* written in 1960 and *Comparative Politics: A Development Approach*[6] written in 1966. He became the President of the American Political Science Association in 1966. In his presidential address, he again discussed the systems approach to politics.

Like David Easton, Almond was in search of a "functional theory of polity". His field was comparative politics, which he studied as a developmental process. He sought to explain how various types of political systems change from the "traditional" to the "modern" systems. His aim was, as he says, "to explain and even predict cycles of short range or long range change of the political system in response to various kinds of environmental pressures." This is developmental approach, which is the main difference between his and Easton's theories.

Almond's theory was more sociological than that of Easton. He was influenced by the German sociologist, Max Weber, and still more by the American Sociologists, Talcott Parsons and Edward Shills. Indeed, it was Talcott Parsons' theory of social systems which he adopted in his analysis of the political systems.

We shall first describe Almond's political system in the form of a flow chart.


Flow Chart of Almong's Political System: Structures and Functions
The Environment (Society)
Political Culture
Socialisation
Recruitment
DEMANDS and SUPPORTS
Conversions Processes
Input Functions
Interest Articulation
Interest Aggregation
Output Functions (Conversion Box)
Policy-Making
i) Rule Making
ii) Fule-imple-mentation
iii) Rule-adjudication
Outcome Processes
Policy Performance and Law-enforcement
Feedback
The Environment (Domestic Society and International Influences)

Flow Chart of Almond's Political System: Structures and Functions

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[6] See Comparative Politics: System. Process and Policy by Gabriel A Almond and G Binghman Powell, Jr. Second Edition,. Ferozsons (Pvt.) Ltd. Lahore. 1987

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Political System:

Why do we use this term? First of all, Almond discusses the reason why the term political system is used in Comparative Politics. Formerly, political scientists used such terms as State, government, nation, etc. But these terms are limited by their legal and institutional meanings. Their use does not inform us about the roles played by these institutions in different States or countries. The reason is that the role of such an institution as a legislature or a court, is determined not only by the formal provisions of the constitution and law, but is also influenced by the informal groups, political attitudes, and a great many interpersonal relationships. Therefore, Almond says, "If political science is to be effective in dealing with political phenomena of all kinds of societies, regardless of culture, degree of modernisation, and size, we need a more comprehensive framework of analysis." Now the concept of political system directs our attention to "the entire scope of political activities within a society, regardless of where in the society such activities may be located." In other words, the use of the term "political system" is structurally and functionally more accurate and meaningful than the use of such terms as State, government or the like. These are particular terms and not universal terms like political system.

Regarding the usefulness of the concept of political system, Almond says further 'The principal advantage of the system concept is that it analytically differentiates the objects of study from the government, directs attention to the interaction of the system with other systems in its environment, to its own conversion characteristics, and to its maintenance and additive properties."

What is a political system? This term consists of two pans, "Political" and "System". The term "system" we have already explained as the interdependence of the pans of an organism or machine on each other. If one part is changed in any way, it affects all the others. For instance, in a motor car the ring is a very small part of its engine. But if it is worn out, it will affect the working of the engine. It will then consume more petrol and produce less power, which will affect the speed of the car. Thus the wearing out of the ring will change the whole performance of the car.

Now, interdependence or interaction between the parts and the whole is common to all systems, whether social, economic or political. The question is: what makes a system political? It is the use of legitimate force or physical compulsion which distinguishes the political system from all other kinds of systems. Therefore all relations, whether social, economic, cultural, religious, etc., which depend upon the use of legitimate force or threat of use of such a force become political relations and thereby become a part of the political system. He says, "When we speak of the political system, we include all the interactions which affect the use or threat of use of legitimate physical coercion. The political system includes not only governmental institutions such as legislatures, courts, and administrative agencies, but all structures in their political aspects. Among these are traditional structures such as kinship and caste groupings; and anomic phenomena such as assassinations, riots and demonstrations; as well as formal organisations like parties, interest groups, and media of communication." For instance, the political system of a country is of one kind, when there is no television station in it. But it will be changed into another kind when a TV station or stations are installed in it. What is more, even, if a country has no TV station in it, but a neighbouring country installs one, the political system of the TV-less country will be accordingly changed, for it will be affected, adversely or not, by foreign telecasts. Thus the installation of a TV system is not merely a recreational matter, but has political effects not only on the political system of the country in question but also on all those countries which come within its telecast range. This leads us to the question: where is the boundary of a political system?

Boundary of a political system:

David Easton has given a rough and ready description of the boundary between the society and the polity. But Almond has described it in more operational terms hard and fast line of demarcation can be drawn between a political and the social, economic or religious systems, because the boundary of the political system is constantly changing. It is sometimes expanding, and at other times contracting. Take the case of inflation. When prices are stable, the political system of a country has noting to do with religion the question of wages or salaries. It is a matter between employers and employees. In other words, it is only an economic relation. However, when prices rise, the wages of the workers may not be sufficient for their daily needs. But their employers may refuse to increase their wages accordingly. The workers may threaten strike to compel the employers to do so. The strike may turn into a riot, which becomes a political question. Thus inflation brings economic relations within the boundary of a political system, which may in its turn affect even the political philosophy of the country. In short, the question of inflation expands the political system. Or take another example. In an Islamic country, religious questions expand the political system. While in a secular country, in which politics has nothing to with the religious questions do not become political, the political boundary is accordingly contracted. Or take the case of the student's unions. Once they were peaceful bodies, interested in training students for debates and such other educational matters. But when they were turned by some political parties into instruments of students' strikes and riots, they have become political and come within the boundary of the political system. Or take the case of women. For centuries women lived under the domination of men and were confined within their houses and domestic chores Political system had then nothing to do with women. Instead, politics was meant for men only; something run by men, and consisted of men, even though a woman, like Razia Sultana of Delhi, Elizabeth I of England or Catherine of the Great Russia, might rule over men. But when women have started coming out of their homes and asking for the same rights and freedoms as enjoyed by men, women's demands have also come within the bounds of the political system. In other words, it has now expanded the political system to include women's problems. In short, the boundary of the political system may sometimes expand and at other times contract. What is more its boundary may at one and the same time expand in one direction and contract in another. This characteristic of the political system distinguishes from the State. The boundaries of the State always remain fixed, unless changed by war and aggression, while the boundary of the political system is constantly changing, as we shall now explain.

A system does not consist of individuals but is defined by their roles or expected behaviour towards each other. A family, for example, is a social system consisting of husband and wife and children or of father and mother and brothers and sisters. Each member of the family interacts with the other in a prefixed or expected behaviour, which is his or her role in the family. The performance of these roles makes this group a family. If a son does not behave towards his father or mother as is expected of him in the family life, the family system is disrupted. Moreover every member of the family has roles in other systems. In short, social or economic system is a network of roles or expected behaviours. The political system is also a complex of interactions of voters, legislators, ministers, administrators, judges, nationals, etc. The same individual who performs a political role also perform economic, social, religious and other roles. For instance, on the Election Day, when people leave their homes, offices, factories, farms, etc., to go to the polling stations, they are changing their social or economic and other roles into the political role. Thus on the Election Day, the boundaries of the political system extend to the great majority of the people, who now cross the boundary of the society or economy into that of the polity. Similarly, inflation may make the workers or their trade unions, or an interest group, or a political party, demand the authorities to adopt a policy or pass a law regarding increase in wages. Such economic demands may cross the boundary of the economic system into that of the political system. These examples show that of all the systems, the boundaries of the political system are subject to relatively greater fluctuations. Now, these demands are inputs of the political system. The policy or law made in response to them are its outputs, that is, they are converted by the authorities into outputs. A political system, therefore, as a flow of the interactions, consists of three pans: the inputs or sources of the demands which come from the people, the conversion process, and the outputs, which are governmental acts and laws. They are the authoritative or binding decisions of the authorities or the conversion process. The political system is the set of interactions of these three parts, and its boundaries are determined by these factors in its environment. Almond says," When we talk about the sources of inputs, their numbers, content, and intensity, and how they enter the political system, and of the number and content of outputs and how they leave the political system and affect other social systems, we shall in effect be talking about the boundaries of the political system." Almond defines the boundary as "points where other systems end and the political system begin".

Form of the Political System:

Up to now we have been describing the nature of the political system. Every political system has a definite form. Like every social system, it is a definite mode of behaviour, which can be actually observed. It consists of various units, called structures. A structure is a unit of behaviour or interaction which is regularly performed and is actually observable. For example a court, is a unit of interaction (or behaviour) between a judge, an advocate, witnesses and clients? Ordinarily a court is called an institution. But in system analysis it is called a structure. Here we are not interested in the legal rules which govern its working, but in the actual behaviour or interaction between its units which is regularly performed. It is an operational concept, and can be tested and verified by empirical or experimental methods.

Every structure consists of units, which are called roles, e.g. the role of a judge or of an advocate. A role is the particular part of the activity of the individual who are involved in a political process. Every individual performs several roles, but only that role is political which is performed in political processes. The political role is the basic unit of the political system. A role is neither a rule nor a norm, because it is only the observable behaviour of an individual. A rule or a norm may influence the behaviour of the individual, but it rarely describes it fully. For instance, the behaviour of a judge in the court is governed by the rules, but it is his role is his actual and observable behaviour, that is much more than what is covered by the rules.

Recruitment Function:

Every political system is subject to a particular change, viz., the change of personnel. That is to say, the individuals who perform political roles may die or leave them; hence new individuals have to be recruited or enrolled to perform these roles. This is the recruitment function of the political system, which alone makes possible for it to continue to exist over time. The new individuals may, however, not perform their roles in the same way as did their predecessors. Thus with the change of the personnel, the political system is subject to change. It means that the new individuals have to be trained to perform the roles in the manner as expected of them.

Roles and Structural Differentiation:

A political system is subject to another kind of change, that is, the differentiation of roles and structures. It is its developmental phase. By differentiation of roles and structures we mean the development of new roles and structures, the transformation of the older ones into new ones and, the growth of new relationship between the roles and between structures or sub-systems. "In speaking of the developmental aspect of role and structure then, we are interested not only in the emergence of new types of rules or the atrophy of old ones, but also in the changing patterns of interaction among roles, structures, and sub-systems".

Political Culture:

A political system is not merely a matter of roles and structures. There is always something more to it: it is its culture. Just as we can know about a man not merely by looking at his outward bodily behaviour but also by looking inside him, into his habits, attitudes, and beliefs, so we can study a political system by observing not only the outward behaviour of its component units, structures and roles, but also the habits, attitudes and beliefs of the individuals performing these roles, which is the culture of the political system. Therefore, to know about the political system it is necessary to know about its actual performance as well as the underlying propensities, which constitute its political culture. Political culture means the attitudes, beliefs, values and skills of the population as well as the special propensities and patterns which are found within separate parts of the population. While the political culture is common to the whole population, the special propensities and tendencies are found in particular classes, ethnic groups or tribes, castes, etc., and also among the groups performing definite roles in the political system. They constitute its subcultures. The more we know about the structure and culture of a political system, the more we know about its performance and present and future developments. "As we learn about the structure and culture of a political system, our capacity to characterise its properties, and to predict and explain its performance, is improved."

Political socialization:

By political socialization is meant the way an individual acquires the attitudes, values, skills, etc., of his political culture. A child is socialised into his political culture in his family, and school, and the adult individual is further socialised by his experience of the performance and behaviour of the various roles of his political system. Thus Political socialization is the process by which political attitudes, values, etc., are inculcated into children, who become adults and as adults are recruited into roles.

Development of the political culture:

Just as the structures of a political system develop, so does its culture. The development of a political culture is commonly known as Secularisation. "Secularisation is the process whereby men become increasingly rational, analytical and empirical in their political action." It distinguishes a traditional political system from a modern political system. In a traditional political system, as for example that of a tribal or caste based government, an individual e.g. a tribal chief, in his political activities does not depend on a rational analysis of his experience but on the traditions and customs of his culture. On the contrary, a politician in a modern political system seeking election in his constituency will rationally analyse the needs, wishes and demands of the people in his constituency and behave accordingly. He will gather information about the wishes and demands of the people, decide which of them can be realised in his political system and will seek votes on the basis of his knowledge and experience. Thus he will judge the intensity of some demands and combine others into his election programme and strategy. His behaviour is rational or secular and not traditional or custom-bound, as is that of a tribal chief. But even in a modern political system, all behaviour is not necessarily rational and secular. It may be influenced by old traditions and customs. Anyhow, the political culture and subcultures of a political system develops in two ways, by differentiation of roles and by secularisation or rationalisation of behaviour.

Inputs and Outputs:

A political system is essentially an input output conversion process. Inputs are the demands which arise in the environment. But some inputs come from the rulers and elites of a political system. When they are fed into the conversion process, they turn out as outputs or authoritative decisions and go into the environment. Some of them may again return to the political system as feedback, and may thus affect or change the system. Some of the inputs are supports. As regards the conversion process, Almond has mostly adopted the input output analyst of David Easton. However, he has classified the demands into different kinds. They are (1) Demands for the regulations of behaviour, such as provisions for public safety, control over markets, and rules relating to marriage, health, education, sanitation, etc; (2) Demands for allocation of goods and services, e.g. demands for wages, laws about working hours, educational opportunities, recreational facilities, roads, and transportation; (3) Demands for participation in the political system, e.g., for the right to vote, to hold office, to organise political associations, etc.; (4) Demands for communication and information, such as demands for the communication of policy aims from the policy-making elites, or the display of majesty and power of the political system in times of war threats or on ceremonial occasions and displays.

It may be noted that demands need not come singly. They may unite with each others in various combinations. Moreover, some demands are more intense and urgent than others and will, therefore, be attended to more promptly by the conversion process of the political system.

Supports can also be classified as thus: (1) material supports, such as the payment of taxes and other levies, the provision of services like military service or voluntary labour on certain occasions; (2) obedience to law and regulations; (3) participatory supports, such as voting, political discussions and other forms of political activity; (4) attention paid to governmental communications, and the manifestation of deference and respect to public authority, symbols and ceremonials, e.g. saluting the national flag when it is displayed in the public ceremonies.

Demands and supports are closely related and interdependent. The political system and its elites performing various roles will process the demands effectively, if support is received from the environment and other social systems and from individuals working in the political system.

Capabilities of a Political System:

Like every organism, a political system needs capabilities which it performs as a unit in its environment. Capability means the behaviour of the political system as a unit in its environment. Capabilities of a political system are also related to the types of inputs and outputs. They are of four kinds: regulative, extractive, distributive and responsive capabilities. The capabilities are really ways of talking about the flows of activity into and out of the political system. They tell us how the political system is operating in its environment, how it is shaping the environment and how it is being shaped by it. Really political systems differ in the types of capabilities they perform. A democracy performs responsive capability more than any other. A dictatorship performs regulative capability more than others. A communist political system is more interested in distributive capability, that is, it shifts resources from the capitalist classes to the working classes. Almost all political systems perform extractive capabilities in the form of collecting taxes from the people. The performance of the capabilities enables a political system to perform its input-output conversion functions.

Conversion Functions:

Gabriel Almond gives a list of six conversion functions of a political system. Three of them are input functions and the other three are output functions. They are as follows:

A. Input Functions (political)
1. Political socialisation and recruitment.
2. Interest articulation.
3. Interest aggregation.
4. Political communication.

B. Output functions (governmental)
1. Rule-making, (legislative)
2. Rule-application, (executive)
3. Rule-adjudication, (judicial)

Political socialisation and recruitment:

We have already discussed the socialisation and recruitment functions of the political system. They are really the functions of citizenship training and recruitment into political roles. They are functions of its structure and culture, mainly by the socialising influences of the primary and secondary structures through which the children and the young pass and which continue throughout adult life. These structures are the family, the school, the religious bodies, the work groups, voluntary associations and the media of communication such as press, radio, TV., etc., the political parties and interest groups as well as the governmental institutions. It means that socialisation is the process of induction into the political culture, which is either latent, as in family life, or manifest, as in a political party.

The process of socialisation differs in different kinds of political systems. In traditional political system, it is particularistic, diffuse and ascriptive, that is to say, it is influenced by kinship relations of castes and tribes, and other traditional groups. In a modern political system, socialisation is more universalistic, manifest, rational, secular, and achievement-oriented. Almond writes, "If political socialisation produces the basic attitudes in a society towards the political system, its various roles, and public policy, then by studying political culture and political socialisation we can gain understanding of one of the essential conditions which affect the way in which these roles are performed, and the kinds of political inputs and output which these roles produce."

Political recruitment takes up where political socialisation leaves off. The induction of the individuals into various political roles is also influenced by the kind or type a political system is. In traditional political groups, recruitment is on the basis of family, caste, baradaries and tribes and on kinship and social status, while in the modern societies it is made on the basis of political party membership, achievement performance, etc.

Interest articulation:

The first input function is interest articulation. It means the formulation and expression of claims and demands by the individuals or groups in the environment (society) for political action. Interests are articulated by legislatures, political executives, bureaucracies, armies, religious bodies or churches. They also include such groups and interests which stir up riots, demonstrations, strikes, etc. There are four kinds of such groups: (1) institutional interest groups like legislatures (2) associational interest groups, like political parties, trade unions, traders and industrialist chambers, etc; (3) anomic interest groups, e.g. riot-causing groups, and (4) non-associational interest groups, e.g. kinship and lineage groups such as tribes, castes, etc., ethnic, regional, religious and class groups. The style of expressing interests may be manifest or latent, oven or covert, specific or diffuse, general or particular, instrumental or affective. For instance, too much expression or articulation of the anomic interest groups, causing riots, etc., would become a problem for the political system to maintain the boundary between it and the environment, between the polity and the society and also between it and the neighbouring political systems, which may intervene in it directly by war and aggression or indirectly by encouraging terrorists and extremists or the like

Interest aggregation:

Interest articulation leads to interest aggregation. It means that the articulated or expressed claims and demands of the groups and individuals are combined, accommodated and compromised. Thus they become inputs of the conversion process. Some claims or demands may be so forceful or urgent that they become intensified interests, which cannot be ignored by the governmental conversion process. The intensification may be due to influential families, castes or tribes, as in a traditional political system, or may be due to influential leaders, charismatic leaders, political parties, or interest or pressure groups, as in the modern political systems. Almond gives the example of Great Britain, where political parties act as powerful articulative and aggregative groups, while in Bharat the castes, especially the Brahmin and Bania castes, play this input function.

Political Communication:

Almond compared political communication function to the circulation of blood in human body. It is the medium through which other

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functions in the political system are performed. "It is not the blood but what it contains that nourishes the system", writes Almond. The "blood" is the neutral medium carrying claims, protests and demands through the veins to the heart; and from the heart through the arteries flow the outputs of rules, regulations and adjudications in response to the claims and demands". He says that communication function is the crucial boundary-maintenance function. Communication facilities are, therefore, of the highest importance in determining the character of a political system. In fact, decision-making depends upon and is determined by contents of communication. They determine the flow of information between the society and the political system. Styles of political communication also differ in various political systems. They may be manifest or latent, specific or diffuse, particulartic or generalistic, affectively-neutral or affective in modern and traditional societies respectively. But even in the modern systems there is a mixture of these styles, though in them latent, diffuse, particulartic and affective 'massages' tend to get translated into manifest, specific, generalistic, and affectively-neutral ones, and also to get "placed in envelopes with the correct political address."

In this respect Almond contrasts the United States and India, the former being a modern political system, while the latter a mixture of modernity and traditionality. Hence their styles of political communication also differ. In the USA, there is, firstly, homogeneity of political information; and secondly, there are widely distributed 'interpreters' of political information, which penetrate the primary cells and connect them with the secondary media of communication In India, the messages are heterogeneous; the impact of the specialised media is relatively limited, and there is a greater gap between the literate modern sector and the illiterate traditional sector, due largely to difference of language And.- cognitive maps. In the U.S. there is mobility of information; in India there are many obstacles, such as those of language, religion, region and of caste system, etc.

Output functions:

They are authoritative decision-making functions of the governmental structures of the conversion process lying "inside the box". They are of three kinds: rule-making legislative function, rule-application function of the executive organ, and the rule-adjudication function of the judiciary. Some of the outputs of the policy-making functions may be characterised as involving resource extractions (taxes, etc.), distribution of goods and services, regulation of behaviour (e.g. traffic laws) or communication of symbols (e.g. flags, et;.) and information. However, it should be noted that these functions are differently performed in the modern and traditional political systems.

Outcomes:

An outcome means the consequences of the policy outputs on the environment or society in which a political system exists. The concept of outcomes is an interesting contribution by Almond to the theory of political system. The outputs of the political system interact with the previous State of the environment and with other events taking place simultaneously within it. They become the outcomes. For example, an increase in educational expenditure under a policy may be diminished by bureaucratic inefficiency and corruption, with the result that the benefits of the expenditures may not come about or may be much lesser than expected. Or take another example, the benefits of the economic development planning may be nullified by population increase.

Feedback:

Feedback means the effects, by which successful or unsuccessful efforts to change the environment have consequences for a new round of political inputs. In other words, feedbacks are the effects of the (outcomes of a policy or law on the environment leading to new demands for inputs. For example, as net expenditures for each pupil decline, parent group, may articulate new demands for further increases in the education budget.

Political Development:

One of the important contributions by Gabriel Almond to the theory of political system is his concept of political development. It is on the basis of this concept that he has classified political systems into various types, which we shall presently describe Political change is one of the most pervasive and fundamental factor in the life of the political systems. Hence, as Almond says, it is necessary that "the study of politics must be a dynamic system-and-process analysis, aid not a static and structural one."

By political development Almond means any situation *or* challenge which compels a political system to change or re-adjust its culture or structure. Cultural change is due to secularization and structural change is due to differentiation of roles. Development can be produced due to problems and challenges for change, which are of five kinds, as under.

1. **State-building:** It is an integrative response to the challenges confronting a political system.
2. **Nation-building:** It is the system-development by promoting the loyalty and commitment of its nation or people.
3. **Participatory Development:** This type of change comes in the form of the pressure from the groups in the society for having a part or share in the decision-making process. It is the

participatory development of the political system which tends to make it a democracy.

4. **Economy building:** By using political system to greater production.
5. **Distributory Development:** The pressure from the domestic society to employ the decision-making authority of the political system to re-distribute income, wealth, opportunity and honour leads to distributory development. It will make it a Welfare State.

If we know the demands, challenges or pressures from within the environment, both domestic and international, around a political system and the kind of its responses to them, we can predict how it will develop. These challenges may not come singly but jointly, which Almond calls "the challenge of cumulative demands or revolutions". He writes further: "it is generally recognised that a major problem in the new nations (of the Third World) today is the cumulative revolutions they have to face. People demand participation, national unity, economic betterment, law and order, simultaneously and immediately." Moreover, development in one part of a political system may give rise to demands or pressure in the other parts. For instance,' when the educational system of a country develops, the demand for participation in the decision-making process will also arise. On the other hand, illiteracy lowers the demand of the people for participation. But it will generate pressures in other directions. Illiteracy lowers the productive capabilities of the people and there by lessen the resources of the political system and thus renders it incapable of meeting the demands and pressures from other directions. The consequent overload of the demands, etc., may cause law and order problem and thus result in the instability of the political system. Almond writes, 'The extent to which the political system is loaded or overloaded will vary with the capabilities of other social systems in the domestic society and the international system." That is the reason why the functioning pattern of a political system is itself another factor in its stability. Almond writes, "Some kinds of political systems can withstand demand and support fluctuations better than others." For instance, a political system with a good administrative services or a strong army can maintain law and order better and resist anomic demands, i.e., riot-causing demands of certain groups or of the people in it. Similarly, "a system geared to a high level of responsiveness to inputs from many sources can cope with demands from new groups and with loss of support from some old ones. Some systems are geared for change and adaptation; others are not." These are the problems of political development.

Two Kinds of Developments:

Political development can be, in general, of two kinds: secularization of political culture and differentiation of political structure.

i) Secularization: Almond defines it as thus: "Secularization is a process of attitude change, whereby people become more oriented to cause-and-effect relationships they can see in the world around them." It results from the spread of education and communication media and from the development of science and technology. In the secular culture, individuals tend to believe in their ability to shape their environment. They also adopt such courses of action as help them in shaping their environment. Take the example of modern political leader and of a tribal chief in a tribal society. A modern political leader carefully studies the demands of the people of his constituency in order to win majority of their votes at the time of election. He gathers information about the constituency, such as the needs of its people, which will help him in winning election. He makes estimates of the distribution and intensity of the demands of one kind or another. He uses his creative imagination and understanding to arrive at such a possible combination of demands which increases his chances of winning a majority of votes in his constituency. The tribal chief needs make none of such efforts. Instead, he relies on the customs and the traditional set of goals coming down to him from generations past. To this he adds his social status or family and clan relations to win support for his decisions. In short, secularization means such a cultural change in which traditional orientations and attitudes give place to more dynamic decision-making processes, involving gathering and evaluating information, collecting alternative courses of action, and selecting a course of action which is better and has greater chances of success and, then testing whether or not a given course of action will produce the intended consequences.

ii) **Differentiation:** Differentiation means change in the roles of a structure, the emergence of new roles and the atrophy of the old ones. Almond writes, "In differentiation roles change and become more specialized or autonomous, new types of specialized roles are established, or new specialized structures and subsystems emerge or are created." Specialized organisations for collecting taxes, training officers, communicating messages, maintaining order, mobilising support, and the like are introduced or become separate from earlier structures. For example, courts are separated from other administrative departments and officers.

It may be mentioned, however, that cultural secularization and structural differentiation are not necessary or inevitable processes in a political system. Instead, these trends may be reversed in it. For instance, Roman Empire had a fairly great cultural secularization and structural differentiation. But when these trends stopped, it became less secularized and less differentiated till it declined and fell. However, it is due to these trends that we have different types of political systems.

Typology of Political Systems

Almond has classified five types of political systems.

They are:

1. **Primitive systems.**

They exist among primitive peoples, such as the Eskimos of the Arctic region, and in segmentary tribes, such as among the Berbers and Arabs of North Africa and Asia. But they have vanished or are vanishing from all parts of the globe.

2. **Traditional Systems.**

The traditional systems existed in the ancient times. They were of two sub-types, viz., patrimonial, and feudal. One interesting type of the traditional systems existed for long in ancient and medieval countries of Asia and Africa, which had "hydrological societies", that is, which existed on a vast network of artificial irrigational system of river dams, dykes, canals, etc. They had developed a vast bureaucratic structure to supervise the construction and maintenance of their irrigational systems, as for example in Ancient Persia or Iraq. On the contrary, feudal system was the basis of the political system of Europe in the middle Ages

1. **Remobilized Modern Systems.**
2. **Mobilizing Modern Systems.**
3. **Penetrative Modern Systems.**

All the last three types of political systems exist in the modern times, mostly in Europe, America, and Australia. But some Asian and African traditional political systems have also developed secular culture and structural differentiation. Some of the modern systems are authoritarian or totalitarian modern systems. The question arises: Does modernization mean development" Almond says that it is not necessary that modernisation may bring about development, that is, cultural secularization and structural differentiation. The opposite is equally possible. There may be development without modernisation For instance; the exposure of a population to modern technology and culture may not produce secularizing influence. Almond writes: "The forces of economic and social change do not necessarily produce political development. On the other hand, political development has sometimes taken place under conditions other than those of economic and social transformation". We may repeat here that development takes place due to the five types of problems for, or challenges to, a political system, namely those of State-building, of nation-building, of economy building, of participation and of distribution, as we have mentioned above.

Chapter 5

Is Political Science really a Science?

From the very day the subject of Political Science got its introduction in the Society it has been a topic much discussed and has always a controversial one. It is frequently asked as to whether it is really a science? Two views have existed, on this question: negative and affirmative.

Negative View:

Great and renowned thinkers in the past and present have denied its claim to be a science. For instance, Buckle said, "In the present State of knowledge, Politics, so far from being a science, is one of the most backward of all arts." Maitland says the same thing: "When I see a good set of examination questions headed by the words 'Political Science' I regret not the questions but the title." The French thinker, Augusta Comte, pointed out several objections to its claim to be a science. He says that Political Science cannot be accepted as a science because of three reasons: (1) there is no common agreement among its writers and thinkers as to its methods, principles, and conclusions; (2) it lacks continuity of development; and (3) it lacks such exact and fixed laws and principles by means of which it could be possible to predict or foresee future political events and developments. In short, it lacks all those necessary qualities which would make it a science. Similarly, Bismarck remarked, "Politik ist keine exakt wissenschaft", "Politics is not an exact science". More recently, Walter Lippmann, American educationist and philosopher, said, "Nobody takes political science very seriously, for nobody is convinced that it is a science or that it has any important bearing on politics."

Positive View:

Political Science has also its supporters. The earliest of them was Aristotle, who is known as the founder of Political Science; he was its first systematic writer. He regarded it not only a science but declared it to be the supreme or master science. Bodin and Hobbes also believed it to be a science. In recent times, Lord Bryce said that politics is a science in the same sense as meteorology. Sir Frederick Pollock expressed a similar opinion. He said "there is a science of Politics in the same sense and to the same or about the same extent as there is a science of morals". Just as the science of morals would guide individual behaviour, so the science of politics would guide and regulate the activities of the State. Before we may decide which of the two views is correct, let us see what does science mean?

What is a Science?

Science means a systematic knowledge, acquired by methodical observation and experiment, which provides us with uniform and valid laws and principles by means of which it is possible to control and predict future movement and development of things or course of events. A Science has these essential features or qualities: (i) a unified and systematic knowledge, (ii) which consists of fixed, uniform, certain and universally valid laws, principles, or theories, (iii) which are or can be further verified by means of new observation and experiment, (iv) conducted in scientific spirit of objectivity, love of truth, unbiased honesty and critical and rational impartiality, and (v) which knowledge enables us to control and predict the movements and development of the natural events or processes. Hence, five things make a science: a systematic knowledge; a scientific method: a scientific spirit; universally valid and verifiable laws, and generalisations; and the power to control and predict future movements and developments of the things or events studied.

Characteristics of a Science:

A scientific knowledge has the following characteristics:

1. ***It is verifiable or replicable.*** It means that the propositions or Statements of the science can be tested or verified by further experiments, tests or observations. A scientific law has a high degree of probability: it will be confirmed by further experiments, or observations by other scientists. It is a generalisation of facts. Therefore if a new fact 'disproves it, it will cease to be a scientific law. In other words, scientific knowledge is based on probability, not certainty.
2. ***It is systematic:*** Various parts of a scientific proposition or law have a logical structure or pattern, which means that they have significant relationship with each other. It is the quality of consistency: one part cannot be inconsistent with the other part of a scientific Statement. "The ideal of science is to achieve a systematic interconnection of facts." There are no irrelevant facts in a scientific proposition. It is this characteristic which makes science a systematic knowledge.

3. ***Scientific knowledge has generality:*** Science explains general, not particular or individual, facts. It is a generalisation of facts. Hence it enables us to explain new facts. It enables us to predict what a thing *or* phenomenon will be the next time it occurs. The aim of science is to form such generalisation or laws which make explanation and prediction possible to the maximum extent.

4. ***Scientific knowledge has objectivity:*** Scientific knowledge is a Statement of facts, which can be objectively verified by further experiment or observation by anyone at any place and at any time, present or future. From this comes its fifth quality.

5. ***Science is a dynamic, not static, knowledge:*** It means that scientific knowledge is constantly developing. It is a kind of knowledge that makes further knowledge possible. If new facts are discovered, they may (i) disprove an old scientific law, which is then discarded and a new law is searched for, or (ii) extend an established generalisation to new facts and thus make it more comprehensive and explanatory. "Science" writes Collingwood, "does not consist in collecting what we already know and arranging it in this or that kind of pattern. It consists in fastening upon something we do not know, and trying to discover it. Science is finding things out." Hence science needs observation and experiment constantly; that is to say, it always needs research or search for new facts. It means new discoveries, new facts and new laws.

Kinds of Sciences:

Sciences can be divided into different kinds as thus:

1. **Natural (physical),** biological and social sciences: physics and chemistry are natural or physical sciences or sciences of nature; biology, zoology botany, and medicine are biological sciences or sciences of living beings; political science, economics, sociology, etc., are social sciences.

2. **Exact and non-exact sciences:** Exact sciences are mathematics, physics or chemistry, while non-exact sciences are the social sciences, including Political Science. A science is exact when its conclusions are verifiable. Results are precise and quantitative, and laws are universally valid. The results of the non exact sciences cannot be precise and quantitative, and their laws are not always and everywhere valid. Moreover, their variables are not measurable.

3 **Descriptive and prescriptive or normative sciences:** History is a descriptive science. Political Science is partly a descriptive

science, and partly a normative science. Ethics is a normative science. Physical sciences are analytical, but not normative, sciences.

4. Idiographic and nomothetic sciences: An idiographic science deals with unique entities, such as the world system of States which are about 160 in number. Nomothetic sciences are concerned with general propositions or universal laws; e.g. physics or chemistry. But the more one describes an entity in details, the more he discovers regularities or laws in it. Hence the difference between the idiographic and nomothetic sciences is not of kind, but of degree.

Natural and Social Sciences distinguished:

Broadly speaking, natural sciences are sciences of nature, and social sciences are sciences of Man or human society. They deal with two different kinds of phenomena. They are different in their nature, behaviour and qualities. Phenomena of Nature can be observed and experimented upon with scientific objectivity, which gives us uniform and universally valid and ascertainable laws and results. On the basis of these exact laws, it is possible to predict and control these events and phenomena. Hence Natural Sciences are also called exact sciences. They are, for example, the sciences of Physics, Chemistry, etc. The laws of Physics remain true and valid whether they are studied and applied in Pakistan or France. The laws of chemical processes remain the same whether they are taking place in Africa or Europe. Nay, they remain the same whether they occur on earth or on the moon and stars. For instance, two atoms of hydrogen when combined with one atom of oxygen will produce water, whether this combination takes place in Pakistan or in Peru, on Earth or on Mars. It means that the laws of Physics, and Chemistry, are fixed, certain, uniform, universally true or valid and predictable. But the same cannot be asserted about the laws, principles and theories of the social sciences, which deal with human life and society. The difference between the two, however, is not of kind but of degree. Natural sciences are exact sciences, while social sciences are less so. With the advance in human knowledge, social sciences are also becoming more and more exact, precise and predictable.

In what sense Political Science in not an exact science?

Politics is not an exact science, like Physics or Chemistry. Firstly, there are no absolutely exact, certain and universally valid laws and principles in it. Secondly, no experiment, in the laboratory sense of the term, is possible about man and his political acts and ideas which are the subject-matter of Political Science. Hence, its laws, conclusions and theories cannot be verified. Thirdly, human nature is so complex and so changeable that it is nearly impossible to predict its behaviour and movements. Finally, there is no consensus of opinion among the scholars and thinkers of Political Science about its methods, principles and conclusions.[7] Its laws are mostly uncertain; its logic is sometimes inexact; and its conclusions are at times dubious. Method makes science. But Political Science, like all other social sciences, has no scientifically reliable method. Experiment is impossible in it, because it deals with State, and State cannot be experimented upon. A student of Political Science cannot acquire such a power and control over his subject, i.e., man in politics, as to create an artificial uniformity in him. "He cannot after twenty generations of education or breeding render even two human beings sufficiently like each other for him to prophesy with any approach to certainty that they will behave alike under like circumstances." Similarly, like the political scientists, the practitioners of politics, viz., the Statesmen and politicians, find it difficult to apply political principles and theories in practice. They often compromise with them when translating or putting them into practice. Such were the difficulties which made Bismarck to remark that "Politics is not an exact science." Professor W.M Mackenzie, taking a more sympathetic view of Political Science, says, "The word science here indicates simply that there exists an academic tradition of the study of politics, a discipline communicated from teacher to pupil, by speech and writing, from some 2,500 years now. It does not mean that this discipline claims to be a 'natural science', or that it could be improved by copying the methods of physics and chemistry more exactly."

Nevertheless, though not an exact science, several methods and techniques of modern science and technology have come into being in recent times, which, when applied to researches in Political Science, can make it a more exact science than it was before.

Why Political Science cannot be an exact science?

An exact science is one in which explanation covers all factors and prediction is correct. But such a high level of accuracy is not possible in Political Science due to the following reasons.

1. ***The multiplicity of variables and the necessity of selection:*** The first limitation is that in Political Science explanation has necessarily to be selective. A political scientist cannot explain an event in terms of all the factors causing it. Instead, he has to select those which he considers to be the most significant, while he says little or noting about other factors. But it is quite likely that the event was caused by the factors which he had

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[7] **Sir Ernst Baker writes, 'Each Professor of Political Science is apt to feel about the other professors, if not about himself, that they argue from questionable axioms by a still more questionable process of logic to conclusions that are almost unquestionably wrong'. Cf. Education for Citizenship, p.6.**

ignored. At the same time, another political scientist may explain it in terms of another set of factors, which may be more correct.

2. ***Unpredictability of Political Events:*** The necessity of selection in political explanation also makes prediction difficult, if not impossible. Explanation and prediction have much in common. When we explain an event by identifying its causes, we are also asserting that how it will happen next time. But as our explanation is selective, we may not predict how it will happen next time, because we have neglected or ignored the cause or causes which have really brought it about Thus the neglect of significant causes will make our prediction inaccurate. In other words, the soundness of the prediction necessarily depends upon the prescience with which relevant factors are selected. On the contrary, in exact sciences prediction is always correct because relevant factors are known. For example, the eclipse of the sun or moon can be foretold because all the relevant factors in its occurrence are already known. A.C. Macintyre writes, To any stock of maxims derived from empirically founded generalisations, the student of politics must always add one more, 'And do not be surprised, if in the event things turn out otherwise!"

3. ***The inconstancy and variability of human nature:*** Another reason why predictive propositions in politics cannot be always reliable is the inconstancy and variety of human desires and ways of behaviour. It is doubly so. Not only all individuals differ in their desires and purposes, but even one and the same individual is motivated by different desires and rules of behaviour at different times. His conceptions of the ends that are worth pursuing and of the means that are effective do not always remain the same. What is more, the behaviour of an individual changes when he is more conscious of the goals of his behaviour. While different cultures and social environments have different effects on various individuals, but they vary even on the individuals in the one and same culture or environment. All these reasons show that generalisations and predictions about human behaviour are not only unpredictable but also unverifiable.

However, this picture should not be overdrawn. In spite of inconstancy and variability of human nature, there is much that is uniform and constant in human behaviour. Though an individual cannot be counted on to hold his desires and his rules of action constant, he can be counted upon to adhere persistently to a considerable portion of them. Moreover, some uniformities of behaviour are due to certain constant conditions such as of age, sex, social status, or economic circumstance. Some kinds of behaviour remain more or less the same even in different cultures and environments, such as the behaviour in matters of love, friendship, marriage, or driving a car, or submissive behaviour towards the man of authority or power. This uniformity of behaviour has made institutions possible, based as they are on generalisations and social "laws", which are, of course, laws of probability, not of certainty. It is on the basis of such generalisations and laws that the sciences of psychology, sociology and political science are founded. They are based on regular, recurrent patterns of action and behaviour, -which are formulated as theories of social or political sciences, as for example in Political Science the theory of revolution propounded by Aristotle, Karl Marx and others. Nevertheless, the fact remains that reliable generalisations about individual and mass political behaviour are not very numerous.

4. ***Impossibility of verifiable generalisations':*** In science all generalisations, conclusions, theories and laws are subject to constant verification by new observation and experimentation. If a single instance or proof is found which does not support or substantiate a generalisation or theory it is either rejected or modified accordingly. But verifiability of generalisations, theories, and laws in Political Science is not always possible. Observation cannot provide reliable facts or data and experiment is impossible. We may, therefore, say that there exists no systematic body of knowledge in Political Science, that can, to use MacIver's phrase, "serve as a definite guide to the statesman, a science of how to govern, an applied science that does or can do in its field what, say, medicine or engineering does in its field." "Political Science", said Harold Laski, "has not the axiomatic quality of mathematics. In its equations the variables are human beings, whose uniqueness prevents their reduction to law in the scientific sense of that much-abused word."

5. ***Environmental Change:*** Another obstacle to the development of a science of politics is the change in the political environment. Human life, including political life, is in a State of endless change. All aspects of both human and nonhuman

environment are always changing; and beliefs which are true in one environmental situation may become obsolete in another: what is true today may not remain so tomorrow: what is right in one country becomes wrong in another: what is regarded as immoral in one country is regarded as moral in another. Technological, economic, social and other changes occur which render old traditions and beliefs untenable in new situations. This is the reason why the findings of political scientists 'cannot be applied when conditions change on which they were based. This fact makes the cumulative and continuous development of Political Science difficult. Moreover, there are several other sciences which also suffer from the lack of exactitude of the natural sciences as is with the political science, such as meteorology, archaeology, and others.

How far is Political Science really a science?

Having explained the limitations of Political Science as a science, viz., low level of its generalisations, lack of law-like formulation of its phenomena, difficulty of verifiability or reliability of experiment, etc., yet we cannot deny the fact that Political Science is a science and is becoming more so due to recent developments in science and technology.

First of all, Political Science has a systematic method of study. It is a method which is common to all other sciences, especially to the social sciences. It consists of the following stages:

1. Collection of data by observation or experimental methods;
2. Generalisation and explanation of the facts thus collected;
3. The generalisation is treated as a hypothesis;
4. Verifications of the hypothesis;
5. If the hypothesis it then becomes a theory; or theory' is confirmed as valid by further study (observation or experiment), it becomes a law or a law-like generalisation;
6. A hypothesis may be repeated by other political scientists to confirm or disprove it by their own observation, or study;
7. If it holds in all subsequent verifications or replications, it becomes a theory.

Every theory or law is always on test. It has to prove itself by new facts or data. If disproved by any new fact or data, it will be (i) either discarded, or (ii) again reduced to the level of a hypothesis requiring further examination. That is to say, it will be subjected to further observation or experiment. If disproved by new facts, as being invalid, it will be discarded. In other words, every theory or Statement in Political Science is held on trust: it will have to prove itself to new facts of political life at any time in the future. This is the dynamic nature of Political Science. Moreover, its "laws" are of a descriptive nature. They enable us to undertake further research. For instance, it is a "law" that State is interdependent with society, and society with environment, human and physical. Though it cannot be regarded as a scientific law, yet it will greatly influence the research tactics of a political scientist. This is to be emphasised in view of the fact that some political thinkers believed the State and society to be absolutely different phenomena and that a particular kind of State can exist in any kind of society and at any time.

Or take another example. In the United Kingdom, the existence of the two-party system, e.g. of the Conservative and Labour Parties, depends upon the practice of single-member constituencies with plurality votes, i.e. on an electoral system in which one candidate in a constituency is declared successful who secures the largest number of votes among two or more candidates. Now it can be safely predicted that if this electoral practice is changed, the British two-party system will cease to exist, because a multi-party system will arise in that country. Similarly, it is possible to predict when a revolution will occur in a country, if we study its political, social, economic and other conditions closely. Examples show us that Political Science can develop the "art of political prediction", provided we narrow down the possibilities, arrange them into more important and effective and less important and weak possibilities. Prediction can be made on the basis of the more powerful and important possibilities, ordinarily called determinant variables or causes. "The art (of political study) can be, and is being, made more 'scientific' by improving our strictness and clarity in specifying possibilities and our resources in measuring degrees of probability.[8]

Quantitative Methods and Techniques in Political Science:

Quantitative measurement is essential to exact sciences. Political Science had lacked this method up to the end of the nineteenth century, Writing at the turn of the present century, Graham Walla's said: "The efficacy of political science, its power of forecasting the results of political causes, is likely to increase...because modern psychology offers us a conception of human nature much truer though more complex than which is associated with the traditional English political philosophy, and under the influence and example of the natural sciences, political thinkers are already beginning to use quantitative rather than merely qualitative words and methods, and are able therefore to State their problems more fully and to answer them with a greater approximation to accuracy." Half a century later, Michigan University survey analysts in the U.S.A., following Walla's dream declared: "Deep-seated laws of social behaviour we presume to exist and with proper phrasing they should not only outlast reversals of voting patterns but should predict them." These beliefs led to two important consequences in the twentieth century: firstly, the behavioural movement in Political Science, as we have described in a previous chapter, and adoption of the quantitative methods in Political Science.

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[8] **See J.C. Davies. Why do revolutions occur? In the Practice of Comparative Politics, pp. 135-154 ed. By Lewis and Potter. Oxford University Press.**

'The Data Revolution":

The adoption of the quantitative methods in Political Science has been facilitated by the invention and use of the new devices and techniques for collecting facts or data, storing and retrieving them, which are significantly called the "data revolution". They are various kinds of electronic devices and techniques, the punch-card machines, and above all, various kinds of computers, and data banks. Since 1945, Political Science has been transformed by the availability of these devices and techniques of collection, storage and retrieval of the huge amounts of data, which have made quantitative analysis and study of political events and processes not only easier but also more reliable. They are particularly useful in such fields of political life as election forecasts, pollstering, personality studies of political leaders and elites, legislatures, bureaucracies, etc. It may be mentioned that these quantitative methods have enabled political scientists to begin the behavioural movement after 1950, which became the dominant method of political analysis for the next two decades in the U.SA.

The quantitative methods have, however, one drawback: these are very expensive methods. These are more predictive and, therefore, have made Political Science less speculative, but more scientific.

Some Quantitative Methods:

Some of the quantitative methods are: the survey method, interview, questionnaire, etc.

Survey method is a data-gathering method with norms or rules, as laid down by Gallop and other pollsters, to forecast election results. General survey consists of data-collecting of the whole population of a country: it is called a census. It is the usual method adopted by the governments to collect, every ten years or so, information about the whole population. But in Political Science, a more limited survey is undertaken, called sample survey. In a sample survey, a small group of people, such as a certain number of voters, etc., are first selected, say about 2000 in number. They

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are then interviewed by trained interviewers in order to find out their opinions about the candidates or parties in the elections to be held in near future. The opinions thus collected constitute the data. The data is properly classified and computed in order to determine the probable results or forecast the results of the elections yet to be held.

It is necessary to observe certain norms or rules, if the survey method is to predict the election results fairly accurately. First of all, the sample must be representative of the national situation. The 2000 or so people chosen must be taken proportionately from among the poorer and richer classes, and also other criteria would be kept in view so that the "picture" of the national opinion should not be distorted. Secondly, a sample survey should be undertaken a week or so before the elections, because opinion of the people (voters) is liable to change, especially if the interval is too long. Thirdly, the number of the people chosen for the sample should not be more than ten thousand and less than one thousand. If it is too large, it will become a census, and if too small, it will cease to be representative of the national public opinion. Lastly, the sample may be undertaken by the quota or random samples. The random sampling is favoured by political scientists and statisticians, while the quota sampling is undertaken by market research agencies. In random sampling the people are selected at random, but in quota sampling the number of people are first selected and then interviewed.

The survey method has been in use in the USA and Great Britain since long, but in a regular manner from about 1935. It is known as pollstering. In 1935, George Gallup established his American Institute of Public Opinion to conduct weekly polls on current issues, using systematically selected but very small national samples of around 3000 respondents. A number of other organisations adopted similar methods in the U.S.A, including the Crossley poll and the Fortune survey. In the 1936 presidential election, Gallup Poll successfully predicted Roosevelt's victory, which made the Gallup method very popular among the pollsters. Soon after, in 1937 Gallup set up a branch of his Institute in Great Britain, known as the British Institute of Public Opinion.

Afterwards Gallup established a chain of Gallup institutes in several countries of the world.

The Data Banks:

Data means information or facts obtained and recorded by a political scientists or researcher about some political matter or facts recorded by him. Obviously, data must be accurate, that is, it must correspond to empirical reality or must have some kind of empirical reference located outside the political scientist or researcher. It means that it must be free of his subjective opinion or bias. As we said above, before 1945, it was difficult to record data. But the data revolution, which began from about 1945, a very large quantities of data can be stored, analysed or processed and retrieved electronically, such as by computers. Such data storage is called a data bank. Such data banks exist in advanced countries of the world, e.g. U.S.A, Great Britain, France, Germany, etc. It is also possible to establish a world-wide data bank. But a data bank has certain problems: the data stored must be reliable and complete; secondly, it should not be tempered with. In other words, it should not be possible to distort it by means of wrong information or data, called a virus in the language of computer science.

Professor Karl Deutsch has given a list of seven main categories of statistical data: public opinion data; statistics about popular voting; data about political elites; statistics of voting in legislative assemblies; content analysis data; aggregate administrative data provided by the governments; historical data. To this may be added the data or statistics collected by other social sciences.

The language of variables:

The adoption of the quantitative methods in Political Science has taught one thing to the students of Political Science, viz., the language of variables. It is something which they did not know or practice before the "behavioural revolution" of 1950's, because Political Science was then a traditional, legal and institutional study. By a variable we mean any trait, quality, characteristic, or condition which can vary in magnitude in different individual cases, e.g. the opinion of the party voters or the changes in public opinion. One of the essential features of a variable is that it can be measured or quantified. For example, it can be computed that a certain number of voters favour one political party, while another number of them favour another party and so on. Moreover, on the basis of variables, it is possible to form a hypothesis which can be substantiated or proved by further data collection by survey and analysis and the future trends can be predicted. In short, these developments in Political Science have made it a more exact social science than ever before.

To conclude, the sciences of statistics, psychology and sociology and the application of quantitative methods to political data will enhance still more the claims of Political Science to be considered as an empirical science. A number of political acts behaviour and processes are statistical in nature, e.g. voting. Now, if a large number of facts are collected and studied with the aid of these methods and techniques, if the area from which these facts are gathered is wide and great care is taken in analysing them in relation to their environment, there would be greater-possibility that the conclusions and generalisations would be more precise, exact and valid than otherwise. "We can become, "writes Dr. Finer, "the prophets of the probable, if not the seers of the certain." Science is measurement. The more the methods and techniques of measuring and quantifying the political events, processes and phenomena are developed, the more Political Science will become scientific and predictive. As Maurice Duverger puts it: "Politics is much more scientific in 1964 than was in 1870. Statesmen can and do effectively use statistics, manipulation of the masses and so on. However, we now know that the area covered by this scientific kind of politics is much smaller than that of politics as an art, based upon imprecise material that is not measurable but is intuitive and irrational". The purpose of Political Science is to show why and how the politicians, Statesmen and citizens act in given situations but not to make choices for them in actual situations, which is the function of the art of politics. "It can make clear the real terms of choice, but it cannot choose".

Political Science as Propaganda:

It is, however, necessary to utter here a word of caution. Political Science, as defined here, is a Western product. It upholds and explains facts and events from the view-points of the Europeans and Americans. "A suspicious reader" writes Alfred de Grazia, an American political scientist, "may perceive in the story of basic ideas (of this science) presented in these pages a bias toward Western political science. Aver roes (Ibn Rushed), the Muslim Aristotelian, are not ranked with Aquinas, the Christian Aristotelian. Ibn Khaldun is not credited with the basic development of the idea of world history over Augustine. Machiavelli, not Kautilya of India, is called the founder of the idea of power politics".[9]

This fact is deplorable, particularly for we us, Pakistanis. No doubt, political thought and philosophy have been, predominantly, Western in origin and developed in the modern age. Though man is, as Aristotle said, a political animal—ZOOM *politikon,* and is so in all countries of world and in all ages of human history, but the Western man has been more of a political animal than the Eastern both in theory as well as in practice. "Western man has been more vocal, more socially self-conscious, more possessed of glimmerings of the methods and principles of pure science from the beginning".

In spite of it, the question is: Why have the political science, thought and philosophy been monopolized by the West? Why could not the Eastern peoples, with few exceptions mentioned above, develop this branch of knowledge? There are many reasons: but we shall mention only three.

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[9] Alfred de Grazia "Politics and Government'. Vol. 1. p. 51.

Firstly, society in the East came to be arrested at certain initial political forms of development in the past, such as monarchical and autocratic, as we shall explain in a later chapter and did not develop further into really popular and democratic forms till very recently and even then under Western inspiration. We, the peoples of the East, have lot of history of kings and conquerors, autocrats and oppressors, but not much of the history of people's governments or mass movements for democratic forms of government, as it occurred in ancient Greece or in modern Europe. In other Words, the East had been deficient in the past in political sociology, that is, in political activities and social practices. Naturally, what the people do not do, they do not think of it. Secondly, political ideas evolve in conditions of conflict and confrontation of mind against mind, of thought against thought, and of thinker against thinker. In the East, as contrasted with the philosophic developments in the West, this has never been so, except in a rudimentary fashion at the hands of an Ibn Rushed (Averroes) or an Ibn Khaldun. Their political theories and thought also did not develop further, because they were soon neglected and forgotten. We know about them only when they were, so to say, discovered by the Western writers. We have no tradition of knowledge of our own going back to these Muslim or Eastern thinkers of the past. Thirdly, the East, as contrasted with the West, did not distinguish between things religious and non-religious, worldly and non-worldly. Religious mind is, on the whole, a closed mind and, ordinarily, is not inclined to observe facts of life, nature and society. It does not therefore develop scientific attitudes and interests. Hence the Eastern peoples never evolved any political thought or philosophy of their own. Political thought is a delicate plant: it could not grow in the East, because the soil was too infertile for it. But new thoughts are emerging here as well, partly because of the hammer-strokes of the Western dominance, and the struggles against it. They are, however, too inchoate as yet to become a science.

Chapter 6

Importance and utility of the study of Political Science

In this chapter, we shall deal with such questions: Why should we study Political Science? What are the purposes and advantages of its study?

What Political Science cannot teach:

Before we consider the importance and usefulness of the study of Political Science, we should remove one mistaken idea about the purpose of its study. It is sometimes believed that the study of Political Science will enable its students to become politicians, administrators, or even ministers or rulers. Though some of the students of Political Science may achieve these distinctions, but this is not the purpose of its study. The same is the case with the study of other social sciences. Take, for example, economics. Its study will not necessarily make its students bankers, industrialists or even finance ministers. Indeed, these are not the aims of the study of economics

There are two reasons why training in politics and Statecraft cannot be undertaken by the science of politics. First of all, politics, as a practical activity, requires certain qualities of mind, character and personality which Political Science cannot teach. They are, for example, such qualities as tactfulness, tolerance, patience, forbearance, promptitude of thought and action, wisdom in decision-making, good judgment of men and events, adaptability, flexibility, flair for doing things, etc. These are natural or inborn qualities, which no instruction and training in Political Science can impart. It is rightly said that a good and wise politician or ruler is born, not made. History also tells us that kings who were great scholars were poor rulers. Moreover, conditions and problems of politics and government are constantly changing which no training in politics or in the art of government can foresee and no set rules or theories can tell us how to handle them. As we said in a previous chapter, prediction in Political Science is difficult, if not impossible. How can it provide the rulers with such rules, formulae or theories which will enable them to solve the future problems or meet future challenges as and when they arise? It is only the qualities of Statesmanship, we have mentioned above, which will enable them to do so.

Political Thinkers on the importance of Political Science:

To begin with, we shall first consider the opinions of great political thinkers about the importance of the study of Political Science. From the days of Plato and Aristotle to the present times, they have recognised the importance of the study of the science of politics. Aristotle declares that it is "the most authoritative of the sciences" and that its aim is the supreme good which man desires for its own sake.[10] R.W. Emerson, an American writer in the nineteenth century, believes that it is "the greatest science in the service of mankind." George Bernard Shaw, the famous English dramatist and thinker in the early twentieth century, calls it as "the science by which alone civilisation can be saved." Even those writers who detract its importance cannot deny its utility. This is the reason why the study of Political Science is, in one form or another, prescribed in the educational courses of the universities of the whole world. G.E.G. Catlin says, "The practical importance to humanity of Pure Politics is no less than that of Pure Physics."

Political Science teaches understanding of politics and government:

The primary purpose of the study of Political Science is to provide understanding of politics and government, which are two of the most important forces in human life and society. Although Political Science does not and cannot teach a man how to govern his country, it can yet provide him with the understanding of politics and government. It deals with them in their varied aspects and processes. It will inform and enlighten the common man and woman of various aspects and processes of politics and government. More importantly, their knowledge will help a politician in the proper performance of his or her role as a practitioner of politics. Consequently, the study of Political Science will enable the politician to understand and improve the working of the government. Professor Robson writes, "The purpose of political science is to throw light on political action and political ides in order that the government by man may be improved. Only if those entrusted with responsibility for the subject accept the aim of deliberately attempting to solve the political problems which confront mankind in each country and all the nations collectively can we justify a large expenditure of time, intellectual effort, and money on political science."[11]

Political Science is the Study of Social Choice:

Human life and society are always confronted with choosing between two alternatives and facing the consequences of the choice. If the choice is good, success and achievement are the results; if bad, failure and sufferings are the consequences. In politics, however, it is always between two groups or parties, which may lead to a dispute or conflict over the alternatives. Political Science is the study of how and why the choices are made and why one line of action or choice is to be adopted. "Social choice is the essence of politics, and political science is the study of why and how these choices are made. It is the study of the process, or of the methods, by which choices are made. Finally, it is the study of the choices themselves and their consequences, whether they lead to golden ages or holocaust."

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[10] Cf. Nicomachean Ethics. Book I, Chapter 2.

[11] Quoted by J.D.B. Miller. The Nature of Politic*, p. 272. Penguins.

Political Science is a Policy Science, a futurist science:

D. Lasswell says that Political Science is a policy science. Policy means a line of action, chosen in awareness of the future and of its consequences. It is a choice between two alternative courses of action made on the basis of social good. Lasswell writes, "Policy awareness implies the mobilisation of knowledge, whether of trend or of condition that illuminates the shape of things to come."

In traditional societies, politics is static, bound down with custom and routine of life. Therefore, in such societies, there is no change, and no development, and Political Science does not really exist in such societies, for there are no alternatives; yet they suffer from the consequences of their traditional ways of life. In the developed or advanced countries, where change is the law of life, social development is consciously planned. In such a society, Political Science becomes a future-oriented intellectual activity. It studies change and development. It even aims at anticipating changes and developments, political and other, in one's own as well as in foreign countries. It thus becomes a policy science. It is particularly so in the modern age of science and high technology, which are transforming every aspect and every thing in human life, society, culture and politics. Political Science has to be a problem-solving science, anticipating events and their immediate and future consequences. "The crucial point is", writes Harold Lasswell, "that man is taking all evolution, into his hands whether his evolution as a species, the planned introduction of novel forms of life, or the evolutionary future of cosmos. The circuiting of events through the internal processes of man and other higher forms of life is the policy-making process through which evolution can be affected. Given a potentiality of this kind, political science comes to play a crucial role in the clarification of goals and strategies within the decision process, not only for man, not only for such developed forms of life as are created or discovered, but for the universe as a whole."[12] Government is the art of anticipation, particularly in the modern age when every government, State and nation stands in a

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[12] Harold D Lasswell. *The Future of Political Science. p. 221.*

gladiator-like posture against almost every other government, State and nation of the world. But anticipation requires intelligence. It needs to gather information not only about other States, and nations, or about the intentions and capabilities of actual and potential allies and enemies, but also about detecting subversive activities at home and in other countries. Political Science aims at studying and analysing these situations and tendencies in the world.

Modern Times and Political Science:

The importance of Political Science is greater in the modern times than it ever was in the past ages. Modern age is confronted with many and varied problems and perils, of which we shall consider here only three, namely the nuclear threat, cultural crises and the space adventures.

The present age is the Nuclear Age, the age of the nuclear bombs with all their disastrous consequences for the very existence of life on the planet Earth, the only place in the whole universe where Man has come into being and where he will live for ages to come, provided he is not totally exterminated in a nuclear holocaust, as depicted in the well-known film '*The Day After*'. The nuclear bomb, however will not destroy humanity by itself: it will do so on the decision of a man or men who order their subordinates to use it, as did the American airmen on Hiroshima and Nagasaki in Japan at the end of the World War II. The man or men who would throw it will be the Heads of State or governments and the ministers who would advise and assist them in their decision. In other words, the use of nuclear bombs will be purely a political decision. It will be the politics of the countries whose governments decided to resort to unleashing the nuclear war. But if one kind of politics leads to nuclear war, another kind of politics can restrain the hands of those who would start it. It is the purpose of Political Science to analyse the two kinds of politics and enable the people to understand the ways and means of saving the whole humanity from this perilous situation.

Nuclear threat is only one part of the dangerous situation confronting mankind today. The present age in the history of the world has been rightly characterised as the age of Continuous Cultural Crisis, in which the old values and standards of life and conduct are being challenged and discarded in one form or another. The effects of these unending crises are noticeable in all aspects of modern life, but most acutely in the conflicts of political life and organisation. It has split the whole world into several warring political systems and groups, e.g., the Capitalist West and the Communist East and into a number of lesser alliances and blocs in the underdeveloped Third World. Wars or war-like struggles are being waged by various countries, States and blocs, such as between Arabs and Israel, between the Palestinians and their Israeli oppressors, the war between Nicaragua and its enemies, Soviet intervention in Afghanistan and its war with Afghan freedom fighters or Mujahideen, the endless Indo-Pakistan disputes, such as over Jammu and Kashmir, the dispute between the Whites and the Blacks in South Africa and all sorts of disputes in various parts and regions of the African Continent as well as in Central and Southern America, the China-Russia or China-India tangle and so on and so forth. Only intelligent men and women, equipped with the knowledge of Political Science, and not only of Political Science, can understand rightly and assess properly the nature and consequences of these conflicts between rival political systems and ideologies.

Since 1957, when the first Soviet sputnik (artificial satellite) spun around the globe, the world is confronted with a new development, which has opened a new chapter in the history of world-politics: it is the beginning of the Space Age. Harold D. Lasswell has significantly called this development as astro-politics --- the politics of the space adventures for both good or evil and weal or woe of mankind. With every passing day the space adventures of the developed countries, like USA or USSR, and not so developed countries, like India, are objects of expansionist and imperialist designs, e.g. the SDI or the Star Wars. The present-day race, for example, to the planet Mars, may become the race of the gods of war, to fight not only on the Earth, the ancient cockpit of mankind, but also in the Outer Space. 'The present period of world transformation", writes Harold Lasswell, "could with equal justice be called the age of science or that of astro-politics. No one imagines that political science alone among the arts and sciences will remain unaffected by the changes through which the world is moving. The distinctive concern of political science is with the political process itself and it is impossible to believe that government and law will be outside the accelerating tempo of history."[13] He adds further, "Political scientists must themselves carry the primary burden of describing and explaining the flow of political institutions throughout the globe." He writes further, "Political scientists are more explicitly conscious of the world as a whole, and especially of the factors that limit cooperation, than economic theorists have been. They are more accustomed to considering the issues that arise in the clarifying of goal or the invention of policy than are, for example, sociologists or psychologists."[14]

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[13] Cf. Harold D. Lasswell. *The Future of Political Science, p. 221.*

[14] Op. Cit, p.221.

Importance of Political Science for its Students:

We now come to specific questions. Why should a college or university student study Political Science? What good will it do to him or to her in later life? Will it help him or her in getting a better job than he or she would get otherwise? Such must have been the questions asked by many, if not all students, who opted to take Political Science instead of some other subject for their academic courses.

Political Science offers many advantages to its students. We begin with the general advantages first. The study of Political Science will enable its students to understand the nature of the crisis-ridden modern society and State and also the reason why political power can be exercised for human good, for maintaining peace, harmony and progress. They will realise that government is not meant to be an agency of oppression or exploitation, but as a means for the improvement and betterment of the social, economic, moral and physical conditions of everyone in the State and in the whole mankind. They will realise that the State exists for man and not man for the State. This was true not only in the past ages, but more so in the present age, because potentialities for doing well are immense today due to the tremendous powers of modern science and technology. Charles Dickens, the English novelist, wrote in his novel: *The Tale of two Cities,* about the revolutionary France after the great French Revolution of 1789: "It was the best of times; it was the worst of times; it was the age of wisdom; it was the age of foolishness; it was the epoch of belief; it was the epoch of incredulity; it was the season of Light; it was the season of Darkness; it was the spring of hope; it was the winter of despair; we had everything before us; we had nothing before us; we were all going direct to Heaven; we were all going, direct to other way." Now, what was true of France at the end of the eighteenth century is more true of the present age at the end of the twentieth century, and will be far more true of the twenty-first century, the third millennium, about to dawn over the whole human world. If there is any branch of human knowledge which will make the new world of man the best of times, the age of wisdom, of hope and Light or would usher in *"The Day After,* it is the science of Politics, the architectonic science, as Plato put it. In fact, study, information and understanding of the complexities of modern government and politics is as necessary for the students as for the adults, if they are to make the world safe for themselves and for future generations.

Moreover, it teaches the students to value higher interests and nobler ends more than the lesser ones. For instance, a student of Political Science must uphold the interests of mankind more than those of nation or any other lesser organisation. Moreover, he will often notice that evil doctrines and purposes masquerade as good and noble in the garb of nationalism, love of freedom or such other terms, which an average man is unable to detect. The study of Political Science prepares its students to be on guard against such descriptions. "It is of the nature of States, as of men," says R.H. Tawny, an English liberal writer, "to yield to the temptations to oppress, rob and murder. It is not the mere commission of these crimes which is the symptom of the approach of spiritual death; it is the assertion that, when committed for the advantage of the British Empire, the Nordic Race, the Catholic Church, or the International Proletariat, they are not crimes but virtues". An intelligent, honest and humanistic understanding of the modern world and its politics is the great advantage and supreme utility of the study of Political Science. Ultimate goal of all science and knowledge is world-State in which all mankind will be equal, free and happy, regardless of the difference of race, nationality, colour, religion, clan, caste or sex.

Now we turn to the specific advantages of the study of Political Science for its students. Firstly, it provides them the knowledge and understanding of democracy as the best form of the State and to abhor dictatorship and other kinds of tyrannical States. It will do so by providing them the knowledge of the political systems and forces which will enable them to develop democratic attitudes and beliefs both individually and collectively. Secondly, its knowledge will enable a student to be a good citizen not merely in the sense of good voter, but also as a good man, who knows his rights and fulfils his duties. Thirdly, he will know how his government operates, what interests and forces are behind its policies and what results such policies are likely to produce. Ignorance of Politics can be disastrous for the individual as also for the society and State of which he or she is a member. Civics is taught in our schools to young pupils to enable them to know how the government is run. Political Science is a continuation of this knowledge on greater and more scientific scales. Thus what Civics began, Political Science will complete: it will make the students become intelligent and well-informed adults and citizens. For instance, the study of Political Science will enable its students to understand such terms, as fascism, socialism, communism, liberalism, democracy, tyranny, imperialisms, old and new, freedom, equality and the like. They will thus understand the use and abuse or misuse of these terms so frequently made in modern times by various parties, groups and individuals. They will thus be able to know how far the actions of such parties and groups correspond to their claims or public Statements. This science will thus broaden the vision of its students.

Secondly, the study of political terms, their use, misuse and abuse will benefit the students of Politics in sharpening their wits and help them to see between the lines, or below the surface of things. "For the great majority of mankind", wrote Niccolo Machiavelli, "are satisfied with appearance as though they were realities, and are often more influenced by the things that seem than by those that are." With such knowledge of the reality of political events and processes we shall understand better a number of problems which have a more immediate impact on our lives. We can learn how to lessen some forms of suffering, such as those that result from poverty and unemployment. We can learn the causes of war and to further the efforts of mankind for peace and progress. Justice, liberty, happiness and well-being are values which will be promoted more by intelligent students of politics than otherwise.

It is a science which taxes human mind to the utmost. It is one of the most important sciences for human welfare and happiness. Knowledge is power and the knowledge of politics is most powerful. Its theories, conclusions and ideas are far more powerful in affecting the daily lives of the inhabitants of the whole globe than the inventions and discoveries of Chemistry or Physics. The ideas of liberty, equality and fraternity are more powerful than bombs and bullets. Furthermore, the study of politics, like that of other social sciences, would enable Man to utilise these inventions and discoveries for his weal rather than woe.

In the end, we may mention that the study of Political Science has also a personal utility for its students. Besides providing opportunities for teaching it in the universities and colleges in Pakistan, Political Science is also prescribed as a paper in all the competitive examinations for joining Federal and Provincial Public Services as well as of armed forces of Pakistan. Moreover, various sub-fields of Political Science, such as Public Administration, or International Relations, are also included as independent papers for candidates appearing in these public and military services examinations as well as for teaching in colleges and universities.

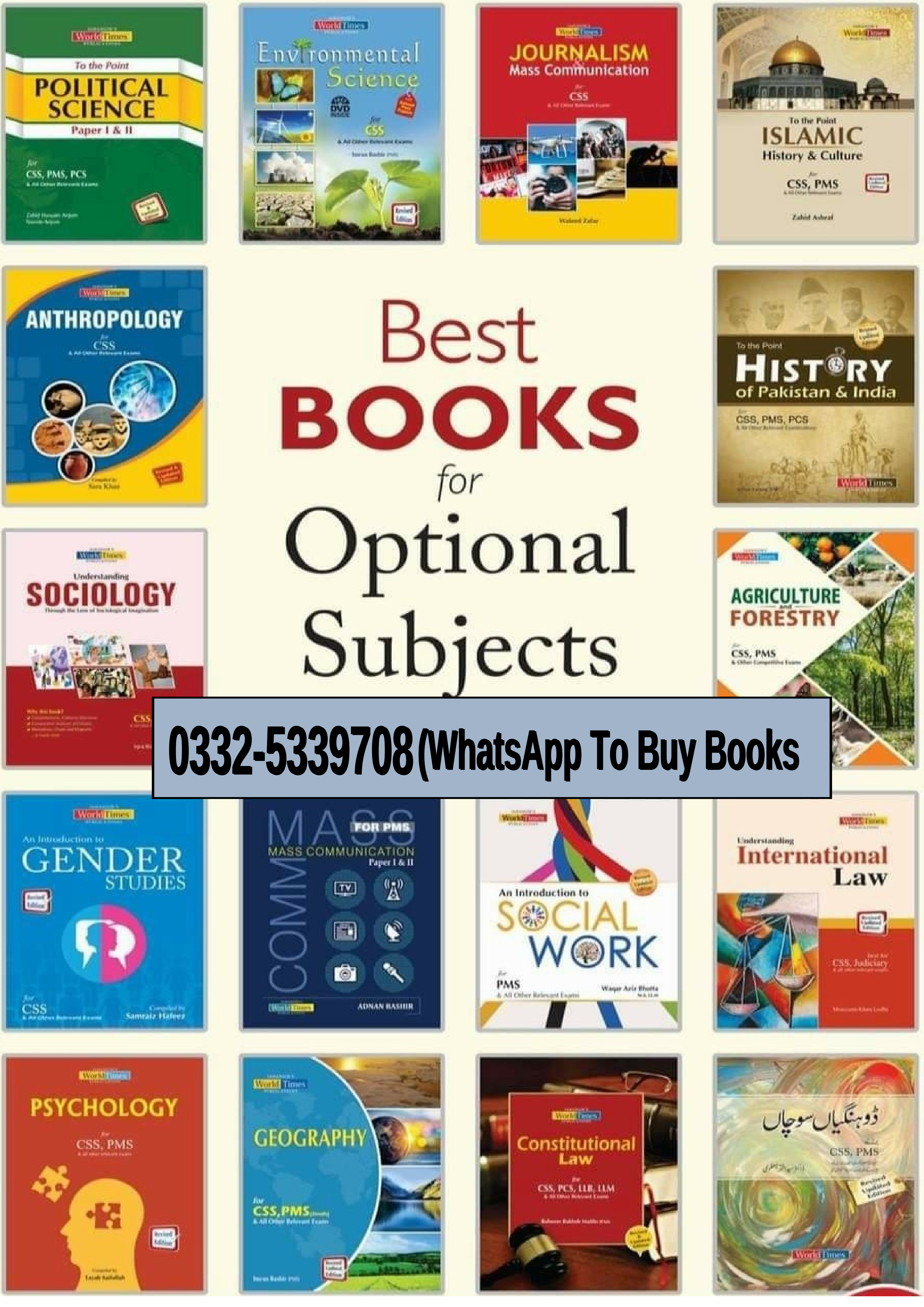
Chapter 7

Relations of Political Science with other Social Sciences

Human knowledge is one. But it is for our convenience that we divide knowledge into Physics or Politics, History or Chemistry, Psychology or Geography. Among these conveniences, the most important are the limitations of human life, mind and effort. As the ancients said, art is long but life is short. In modern times, knowledge has become so vast and complex that it is physically impossible for a man to devote himself to more than a branch of it. However, to understand his special subject of study, he must know where it stands in the sum-total of human knowledge and what relations it has .with different branches of it. It is for this reason that we should know the relations of Political Science with other sciences, especially with social sciences. The relationship between them is not a new phenomenon. Political Science has always be«n influenced by the discoveries, concepts and theories of other sciences, for instance by mathematics and geometry in the seventeenth century, by philosophy in the eighteenth, by economics in the first half of the nineteenth century, which gave rise to socialism and Marxism, and by biology in the second half, especially after the discovery of evolution by Charles Darwin, while it has always been influenced by History.

The Need for inter-disciplinary approach:

The science of politics has always been influenced by other sciences: sometimes it was history, and at other times it was geometry; since Darwin's discovery of evolution, biology deeply affected political thought and then sociology and psychology began to influence political thinking. However, it was in the twentieth century that the need was felt for a more comprehensive inter-disciplinary approach to the study of politics. Reasons are several. Man is, firstly, a thing of nature, then an animal or a biological being, and lastly, a social and political being. The sciences which study man, his life, society and State must be interrelated. Secondly, many political problems have various aspects, which can be properly understood only if we also study them from the viewpoints of the concerned social sciences. What is more, there are many problems which are loosely called 'political', such as poverty, crime or unemployment. But they are susceptible



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to treatment not by political scientists alone. Instead, they demand study and action by other social scientists also, such as economists, sociologists and others. "A political scientist," writes J.D.B. Miller, "may be able to provide advice on some of the institutional forms which remedial action might take, and also upon the political difficulties standing in the way of that action; but his own special knowledge does not enable him to say how unemployment, crime, and poverty might be done away with."[15]

These are some of the modern problems which need an interdisciplinary approach for their solution. This approach can be properly comprehended if we study the relations between Political Science and other social and allied sciences.

Moreover, this interdisciplinary approach has also given some new concepts and theories to Political Science. They are, for instance, political sociology, political socialisation, political personality and political culture. We shall discuss them in the next chapter.

POLITICAL SCIENCE AND HISTORY

Their interdependence.

The relation of Political Science to History is very old and intimate. Sir John Seeley, the English writer, has expressed it in a couplet that has become classic:

> *History without Political Science has no fruit; Political*
> *Science without History has no root.*

It is quite evident that the root, i.e., the fundamental principles, laws and conclusions of Political Science are derived from history, from the past conditions of political life and institutions. What is History" It is a record of past events and movements, their causes and relations. It tells us, among other things, the origin and development of the State and other political institutions and it furnishes the materials which form the basis of Political Science. History, therefore, provides the raw materials of Political Science They are (i) knowledge of the origin, evolution and past conditions and changes in the State, government, law and other political institutions: (ii) materials for formulating principles, laws, generalisations and theories of Political Science, and (iii) it illustrates the limits to which political action and thought can go as shown by their failure or success in the past. These are the reasons why Seeley said that Political Science without History has no root, or that it becomes hollow and baseless without history: "Politics is vulgar when not liberalised by History".

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[15] Cf. J.D.B. Miller. The Nature of Politics. P. 275

In the evolution and growth of Political Science, history has played an important role. According to the German philosopher, Schopenhauer, history has been the fact-gatherer for political Science, as also for other social sciences. It has been a storehouse of facts and events, from which many political theorists and scientists have derived theories and "laws" of Political Science. This is the function of the Historical Method, discussed in a previous chapter

The obverse of this relation is equally true. History also learns much from Political Science. Political Science furnishes such guiding principles and laws of development and evolution on the basis of which historical events and movements can be properly evaluated and understood. Mere history is a dry record of past events. A study of Political Science indicates the nature of the trends in history and the tendencies and directions in which historical events were evolving. For instance, a mere history of one hundred years of Indo-Pakistan before Independence will not tell us much unless we also know that these events were occurring under the influence of the political principles of nationalism and freedom struggle against British Imperialism. It is this close relationship and dependence of History on Political Science which is expressed by Seeley in his classical couple: "History without Political Science bears no fruit", or when he said that "history fades into mere literature when it loses sight of its relation to politics". Another political writer, Burgess, also hints at this close affinity between the two when he says, "Separate them, and one becomes a cripple, if not a corpse, the other a will-o'-the -wisp". According to Willoughby, History gives us the third dimension of Political Science. It is this interdependence which led Lord Acton to say that Political Science is like the grains of gold lying deposited in the stream of history. In short, the two sciences are mutually contributory and complementary.

Their differences.

In spite of their close relationship, the two disciplines are not identical in their subject-matter and method. Freeman was wrong when he said that history is nothing but past politics, and that Political Science is nothing but present history. Really speaking, there is far more in History than Politics, *and vice versa.* Only a part of History is Politics, that which is called political history. But History also comprises the history of arts and sciences, of customs and manners, of language, and literature, and of the religious and intellectual achievements. Political Science has nothing to do with these topics of history, provided they have no direct bearing on the study of the State and political institutions. For instance, history deals with the causes, events and effects of the World War II, Political Science is not concerned with them; instead it is concerned with the question: how far this war was a struggle between dictatorship and democracy and whether it fulfilled the purpose for which it was fought. Politics is also concerned in the shape of the State which arose as a result of the wars. Thus one might say, as Stephen Leacock puts it, that "some of history is a part of Political Science, the circle of their contents overlapping an area enclosed by each". Their common denominator is political history, or the history of political struggles and institutions. It disproves the dictum of Freeman that "all history is past politics".

The two sciences also differ in method. The method of history is mainly narrative and analytic. It deals with concrete and matter-of-fact things and also discuses the causal connection between them. Political Science goes further. It selects and analyses them and finds out principles and laws in them. Political Science is also speculative and philosophical, because it deals with what the State ought to be. For this reason it has to consider the abstract types of States, and political institutions. History needs not speculate what ideal institutions might have been.

Political Science draws its material from history, but also from economics, from ethics, jurisprudence, sociology and other social sciences. It cannot sit, like an obstinate beggar, at the door of history alone. This is the reason why we subscribe to the opinion of Barker that "you may have a political theory which is a good theory without being rooted in historical study". History is not the only source of Political Science. A political theory can be built without any reference to history, as has been done by many thinkers in the past as well as in the present. Nevertheless a complete break between the two would not be helpful to political thinking and science. The reason is that political theory is ultimately intended for political action, which must take place in historical setting and context. A political theory which cannot at all be related to action and history will be Utopian and visionary, a mere intellectual exercise in philosophical gymnasium and not a political thought concerned with the State and practical politics.

Other differences are, briefly: History is a science of the past; Political Science has not much to do with the past. History is not teleological, that is, it does not look to ultimate ends, but Political Science is teleological, because it has to consider the ends of the State and law.

POLITICAL SCIENCE AND SOCIOLOGY

Their relationship.

The relation of Political Science to Sociology is like the relation of a part to the whole, of a branch to the trunk. As a social being, man performs many social activities which may be studied as a whole or separately. Sociology studies them as a whole; it is the general science of society. It studies the nature, origin and development of society in all its aspects. It studies the individual and the social groups, whether organised or unorganised, conscious or unconscious, economic, religious, political, or intellectual. Political Science also studies society but only politically organised society, called the State. It studies social acts and ideas but only of political nature. Hence, it is a specialised social science, a part of the general science of Sociology. It deals with the political life of man which is a part of his total social life. Political Science is a 'differentiation', i.e., a branch of Sociology. Sociology deals with man as a socius; politics deals with him as a citizen or subject of the State. Sociology deals with all kinds of associations and politics with only one kind of association, viz., the political system or the State. What is political is also social, though what is social is not necessarily political. For instance, when people assemble at a political party meeting, they are doing something which is both political and social, but when they meet to gossip as friends, they do something which is social, but not political. This is also the reason why we need the science of Politics. The field of Sociology is so vast and comprehensive that it needs a specialist who will devote himself to the study of its political aspect, which becomes Political Science. Both sciences are mutually contributory. Political Science gives to Sociology facts about the organisation and functions of the State, and obtains from it knowledge of the social basis of the State, law and political authority. So close is this relationship between them that, as Giddings says, a student of Political Science must begin his subject with a study of Sociology, because "to teach the theory of the State to men who have not learned the first principles of Sociology is like teaching astronomy or thermodynamics to men who have not learned the Newtonian laws of motion". A political scientist must, therefore, be also a sociologist and vice versa. Politics deals with group life, the study of which is the province of Sociology. In short, it is the relation of the part and the whole.

Their differences.

Although exact line of demarcation between the two sciences is difficult to draw, yet they are different in some respects: (i) The scope of Political Science is narrower than that of Sociology. Sociology is the science of human beings in their associative processes, while Political Science is the science of politically organised community which has been consciously set up by man. (ii) Sociology is prior to Political Science, because society was prior to the State. Man was first a social animal and later on a political being, (iii) Political Science assumes that man is a political animal, but Sociology explains how and why he became so and how his political life is affected by his membership in other forms of associations, (iv) Finally, Sociology, like history, studies actual social organisations and associations, but Political Science aims at a study of the past, present, and future of the political institutions and States. Nevertheless, many of the changes in political thought are due to the influence of sociological studies in recent times, especially in the behavioural theory of power.

POLITICAL SCIENCE AND ECONOMICS

Till recently Economics was regarded as a branch of the general science of the State, as is shown by its older name, Political Economy, as it was called formerly. Adam Smith, the father of classical economics, says in his famous book, The Wealth of Nations, that it deals with two objects: -(i) to provide sufficient revenue or substance for the people, and (ii) to supply the State with a revenue sufficient for public service. Political Economy, he said, proposes to enrich the people and the sovereign.'

Modern economists, however, believe that Economics is a separate science, which meets Political Science at certain points, but it is an independent science in its own rights. Dr. Marshall defines it as the study of man in the ordinary business of life. It inquires how he gets his income and how he spends it. 'Thus it is on the one side a study of wealth and, on the other, and more important, a part of the study of man". Economics, therefore, is the study of human welfare and includes discussion on consumption, production, exchange and distribution, the four departments of this science. We shall see that Economics and Political Science have, firstly, many common points in each of the four departments of Economics; secondly, they have many common topics and problems, and, lastly, have some common basis in their philosophy and methodology.

1. *Economics and political peace and order:*

Being social sciences, both of them study man and strive to foster and promote his well-being. It is commonplace to say that economic activities of man are possible only when the State has created conditions of peace and order. Anarchy and misgovernment will hinder economic work, prosperity and progress.

2. *Promotion of economic well-being, prosperity and progress:*

Classical economists in the eighteenth and nineteenth centuries asserted that the State should do nothing more than maintain law and order. They believed that the State should be nothing more than a police State. This was what the laissez faire economists demanded of the State in the past. But this view led to great social misery and poverty. That was the reason why this individualistic view was discarded in the middle of the nineteenth century and the more collectivistic views were adopted since then. Nowadays, every State seeks to promote the economic well-being of the individual and general welfare and prosperity of the nation and country.

For instance, if prices rise abnormally, or necessaries of life become scarce, the State devises price control and rationing system. It regulates working hours, conditions of labour, etc. Modern State is becoming a welfare State. In socialist and communist countries, the State used to undertake far more economic activities than those mentioned above.

3. ***Economic exchange, banking and consumption and politics:***

Modern State has to interfere in all phases of economic activity. Money-is the medium of exchange and measure of value. State coins money and issues currency notes to supplement it and makes them legal tender. The amount of money in people's pockets determines the prices of the commodities. Too much money means high prices and inflation which is a great danger to a nation's economy and stability. The State must therefore control the circulation of money with a view to prevent the rise in prices and inflation with all its attendant evils. This is really one of the most troublesome economic problems which confront every government of the world today. The State must follow such policy which increases production. In the developing countries, therefore, it has to undertake plans for the industrialisation of the country and also to increase agricultural production. In must regulate banking to facilitate credit.

4. ***Economic distribution and politics:***

The most important economic problem of modern times is that of distribution. Economics tells us how national wealth is distributed among various agencies of production, e.g., among the workers, the industrialists, the landlords, the bankers or financiers, etc. The capitalist mode of distribution causes inequality of wealth among the various classes which is a very great source of social and political discontent. It causes political troubles, struggles and revolution. It is the main cause of the rise of the politico-economic philosophies of socialism and also of the rise of the socialist or communist States, like the Soviet Union, Communist China, etc. These developments indicate a much closer relationship between Economics and Political Science.

Economic determination of political life and evolution.

It was an old belief that economic life of a country was very much influenced by its government and its policy and laws. But it is now widely held that the political structure of a State is conditioned by its economic life and system. Karl Marx, the founder of scientific socialism, propounded the theory of economic determinism of history and politics. He declared that economic conditions of a society determine its social and political structure. It shows the dependence of Politics on Economics. There is much truth in it. But it will be more correct to say that economic and political conditions act and react upon each other, and this interaction is increasing in the present times. All political questions and quarrels of the modern age are directly or indirectly due to the economic causes and conditions prevailing in the country or the world.

Besides these fundamental questions, there is a host of other problems today, which indicates interdependence of Economics and Political Science, e.g., the government control of industries, the question of labour and capital relations, inflation, price control, industrialisation and mechanisation of agriculture, land reforms, and others. They are all economic questions which are deeply political in their nature and solution. In short, the theory and practice of modern administration and government are becoming more and more economic. Such is the close relationship between the two sciences.

POLITICAL SCIENCE AND ETHICS

Politics and Ethics have always intimate relationship, because the State has a moral aspect, just as it has a social, economic or historical aspect. Ethics is the science of the moral conduct of the individual in society. It deals with the right and wrong of man's conduct and behaviour. But as man must live in the State, the questions of his right and wrong conduct become political questions. There are two aspects of morality, private and public. State must regulate private morality indirectly and public morality directly. It is for this reason that the State prohibits drinking, gambling and other immoral acts. It also punishes the promoters of such immoral things as obscene literature, heroin etc. There is, however, a limit to the State interference in the morals of the people. Morality is concerned with the inner thoughts and conscience of the individual which are, in the last resort, beyond the power of the State and law to control. Law and State can regulate only the external behaviour of man. They cannot enter into the hearts of the people which is the seat of conscience and moral behaviour. It is this reason why it is said that you cannot make people good by means of laws. In spite of this limit, laws and morals can help each other much. If a law embodies a moral standard, it will sooner or later make the people to live up to its high standard.

There is yet another aspect of the relationship between Ethics and Politics, although there is a centuries-old controversy over it. The ancient Greek Philosophers, like Plato and Aristotle, believed that Politics was nothing but the continuation of Ethics to public affairs. Aristotle said that the State came into being to make life possible, but it continues to exist to make it good. The State exists to promote the social and moral good of man. It is an organisation for the moral perfection of man. The Greeks believed that the moral side of the State was more important than its economic and other aspects. The State was, to them, a moral person. Good life was the end of the State. This is also the belief of many modern thinkers. They declare that what is morally bad cannot be politically good, and that a good citizen is possible only in a good State.

But this relationship has been challenged by several modern thinkers, especially by Machiavelli and Hobbes. They advocate a divorce between Ethics and Politics, between morality and polity. Machiavelli advises a ruler to be ready to do immoral acts in order to protect his State, i.e., his throne. He says, "A prudent ruler ought not to keep faith when by so doing it would be against his interest, and when the reason which made him bind himself no longer exists".

However, when all is said, the relation between ethics and politics cannot be denied. Modern writers assert that politics without morality is tyranny. Prof. Ivor Brown says: 'Politics is but ethics writ large. Ethical theory is incomplete without political theory, because man has to live in association with other men; political theory is idle without ethical theory, because its study and its results depend fundamentally on our scheme of moral values, our conceptions of right and wrong". Lord Acton said that the question is not what the State does, but what it ought to do. Every question of politics has to be judged on its moral basis and import. Hence politics cannot be separated from ethics.

POLITICAL SCIENCE AND ANTHROPOLOGY

Anthropology is the science of ancient societies as well as of the folk societies of the present times. It also studies kinship relations in modern societies. It is that branch of social sciences which studies early man in his relationship with his physical environment, race, and culture. It is generally divided into four branches: (i) anthropological geography which deals with the relationship and effect of environment upon man; (2) Physical anthropology which deals with the "problem of race", i.e., the meanings of race, different races of Man, their origins and characteristics; (3) cultural anthropology which deals with 'problem of culture', i.e., what is culture, its origins, various types, and the relationship of man with the culture; (4) Ethnology and ethnography, which deal with the results of the above three branches. It compares peoples and races of Man and their effectiveness in survival. For this reason Anthropology has also been defined as the "theory of human survival, taking human history as a whole".

The contribution of Anthropology to Political science is considerable. One of the most important relations between the two is the "problem of race". It has, for instance, given rise to a political theory, called racialism, which has become a political dogma in certain racialist States, like Nazi Germany in the past and in South Africa today. The effects of racialism are found also in the theories of nationalism, in colour prejudices, in such Political attitudes and beliefs, as *Herrenvolk* or Master Race which are the basis of Nazism in the past, of in Zionism in the present-day Israel, in the Apartheid policy of South Africa, in Anti-Semitism, and in anti-Negro riots in U.S.A. etc. Casteism and tribalism e.g. in India and Pakistan, are anthropological problems of political nature. In the cultural field also Anthropology deeply affects political thought. For example conflicts of cultures, cultural, religious and linguistic minorities and their persecution or repression and genocidism are political problems whose solution can be greatly aided by the study of Anthropology.

POLITICAL SCIENCE AND PSYCHOLOGY

Psychological Basis of Politics:

Writes Professor Catlin, "Of all these inter disciplinary relations which are of practical importance for Political Science, the most important is that between Politics and Psychology. For the present writer it is fundamental." Indeed, from the beginning of the twentieth century, this relationship has been very much emphasised. Graham Wallas was the political writer in England who first laid stress on the need to study psychological factors in political activities, like voting, in his book, Human Nature in Politics, written in 1908. Bentley in the United States also did so at about the same time. Since then many political scientists have also said that political phenomena cannot be explained without explaining their psychological causes and motivations. According to Barker, "the application of the psychological clue to the riddles of human activity has indeed become the fashion of the day. If our fathers thought biologically, we think psychologically," Many writers in recent times have used psychology to explain political life and movement. Bagehot in his writings pointed out the relation between psychology and the English Constitution. Boutmy has explained the effect of the psychological factors on the character and working of the English and American political institutions. Barker remarked that in the present day, "political theorists have turned social psychologists." Lord Bryce in his Modem Democracies (1921) said, "Politics has its roots in Psychology." In America, the political scientists of the University of Chicago, Merriam, Lasswell and others, have also laid great stress on the relationship between the two disciplines. As a matter of fact, the emphasis on close dependence of Politics on Psychology has given rise to the "behavioural revolution" in the U.S.A., soon after the Second World War.

The relationship between the two sciences of Politics and Psychology is shown in many ways. For instance, a democracy is a government of public opinion and propaganda. But public opinion and propaganda are psychological phenomena which a psychologist can best explain. Methods of psychology are increasingly applied by modern governments, especially in the army, intelligence, civil service examinations, in public opinion and elections and in the courts. Lord Bryce has rightly remarked that "Politics has its roots in psychology, the study (in their actuality) of the mental habits and volitional proclivities of mankind." It is evident that the study of politics is incomplete without the help of psychology. No politician or statesman can disregard the psychological factors in politics and no law-maker can ignore the psychological aspects of his enactments.

In spite of the utility of Psychology for Politics, there are certain limitations of the psychological method. In the first place Psychology deals with mind and thoughts, as they are and not with what they ought to be, as Politics does. Secondly, the psychologist does not concern himself with the moral aspect and ends of the political life. Thirdly, psychology has nothing to do with progress and dynamic processes, but Political Science cannot ignore these factors in the State and human mind. Although it is fashionable in the 20th century to explain politics and political matters by such psychological methods and techniques as psycho-analysis, they have gone too far. They explain external matters by too much of subjective analysis. They introduce in the study of Political Science the personal bias of the scientist. Political study thus becomes a personal study rather than a scientific study.

POLITICAL SCIENCE AND JURISPRUDENCE

Jurisprudence is the study of law. Political Science has a very close and very old relation with the science of law. This relation is based upon the fact that the State, which is the subject-matter of Political Science, exists mainly for the purpose of making and enforcing law. In fact, social life of an advanced type cannot be possible without law, and law cannot be made and enforced without the legislative, administrative and judicial machinery of the State. Moreover, the interdependence of the allied sciences of law and politics is further shown by the fact that the kinds and contents of laws are determined by the nature of the State. In a feudal State, there is feudal system of laws and jurisprudence, in a capitalist State, a capitalist system of laws and jurisprudence, and in a socialist State a socialist system of laws and jurisprudence. Indeed, their relationship is so close that jurisprudence is really a branch of Political Science. Really the French writers include both of them in a single science, which they designate as Political Sciences. However, jurisprudence is a vast and separate science and is treated as an independent discipline, though closely allied to Political Science.

POLITICAL SCIENCE AND GEOGRAPHY

There is an old belief in geographical determinism of man's social and political life. Many early and modern writers have emphasised the influence of geography on political life, policy and structure of the State. They believe that climate, soil, topography, and other geographical conditions directly or indirectly determine the type of government, policy and national character of a people. Aristotle believed that geography guided political wisdom. Ibn Khaldun also emphasised the effects of geographical environment on politics and history. Bodin was the first modern thinker to dwell upon the relationship between politics and geography. Montesquieu, another French thinker, emphasised the influence of geographical condition on the forms of government and liberty of the people. An English historian, Buckle, went to an extreme. In his book History of Civilisation, he declared that man's mind is a product of his external environment or geography, that is, of such facts of physical environment as food, climate, soil, and the general aspects of nature. But he overshot the mark. In recent times, also, many writers have emphasised the influence of geography on the politics of a country, such as Bluntschli, Treitschke, Huntington and other. The German writers have invented a new term to show this relationship, 'geopolitik", that is, the determination of the politics of a country by its geography.

These writers have, however, mixed science with superstition, facts with fiction. It has thus become the basis of the fascist or Nazi racialism in Hitler's Germany.

There is a measure of relationship between and influence of geography on the politics of every country. But it is neither direct nor unchangeable as these thinkers have asserted. It is quite true that the State and political institutions of a country are influenced by its geography, because they occur or grow up in geographical settings. The effects of politics on geography and of geography on politics have long been studies by political and geographical writers. Political geography is an important field of study by both political scientists and geographers. Indeed, this relationship is, fundamentally, between man and his milieu, that is, between man and nature. It can be explained both ways, i.e., man influencing milieu or nature, and milieu or nature influencing man (or society, culture, civilisation, religion and other aspects of human life). Man, as a geographic agent or actor, has refashioned the landscape or the physical features of nature. Indeed, this influence increases manifold when viewed from the standpoint of the State. It is the basis of power politics. The more a State increases in (i) population, (ii) area, (iii) industry, and (iv) science and technology, the more it tends to expand geographically and to influence, dominate or conquer other lands, countries and nations. This tendency has created States and kingdoms and empires in the past and present ages. In short, politics is a drama played on the stage of geography. For instance, India, with its huge population and its growing industry and technology, has become so expansionist as to become a threat to the small neighbouring countries around it. Even a small country with favourable geographical situation can also play the game of power politics. For instances, the insular position and its long coastline made England a naval power, whose politics and government were greatly influenced by its nearness and dependence on the sea.

In modern times, the influence of geography on politics and State systems has further increased by the development of the nuclear warfare potential, on the one side, and of the space technology, on the other. In not very distant future, these two developments, combined into "Star Wars", as the Americans call them, would deeply influence the politics of the whole world in one way or the other. In other words, astronomy, coupled with geography, would determine mankind's future for good or evil. If sanity in internal and international policies of the countries did not prevail, these developments would even imperil Earth's survival as a place of human inhabitation.

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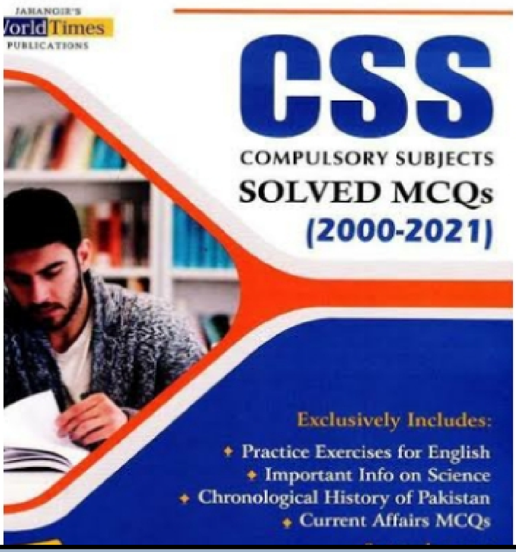
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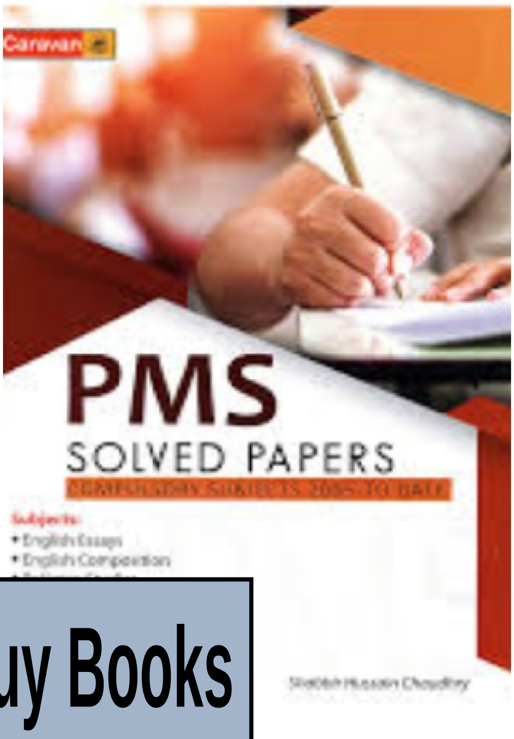
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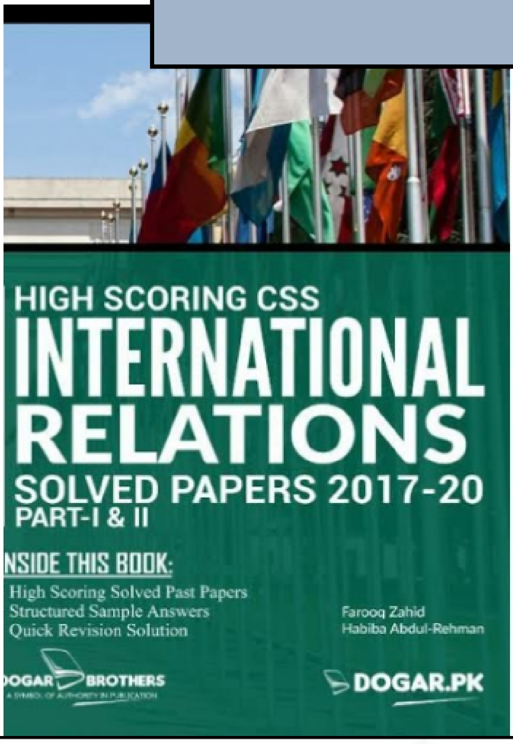
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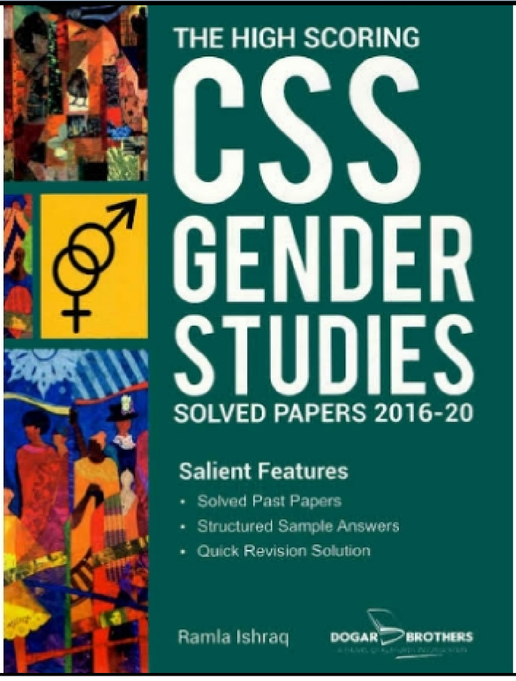
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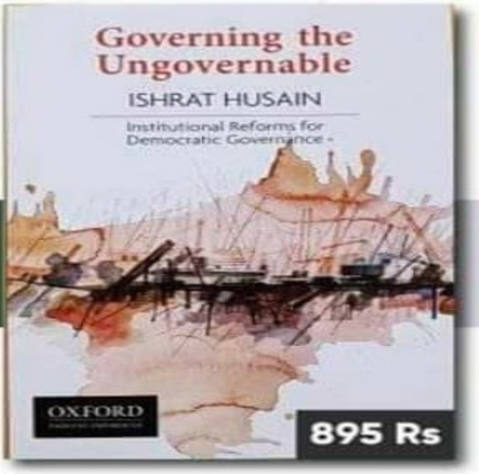

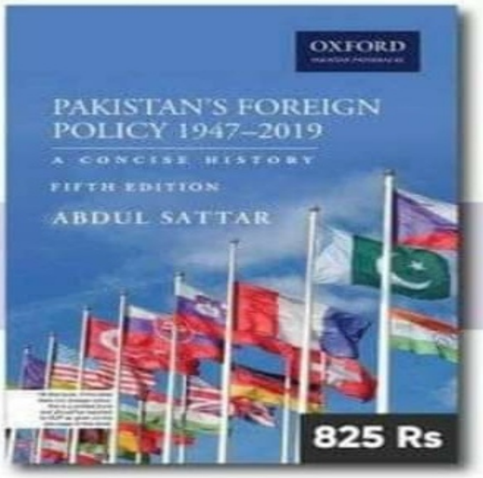

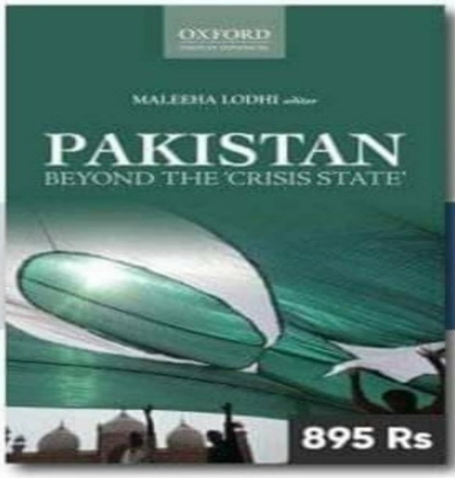

Governing The Ungovernable

Pakistan's Foreign Policy 1947-2019

Pakistan Beyond The Crisis State

Chapter 8

Inter disciplinary concepts in Political Science.

Political Science has been influenced by the discoveries, concepts and theories of modern social sciences, such as psychology, psycho-analysis, sociology, anthropology, etc. These influences have given it many new concepts, such as political sociology, political socialisation, political culture, political personality, etc. They are the approach factors to Political Science, which we have referred to in the Chapter Two above.

POLITICAL SOCIOLOGY

Political sociology is the sociology of politics. It may be defined as the systematic and empirical study of political phenomena and organisations as they influence social life and social structures and are, in turn influenced by them. In short, it studies the influence of politics on society and of the society on politics.

Political sociology has a very long history, going as far back as Aristotle, Ibn Khaldun, Montesquieu, Karl Marx, de Tocqueville, Lord Bryce, Max Weber, Graham Wallas, Mosca and Wright Mills. For instance, Marx (1818-1883) was the first to study class conflicts and social stratification on the basis of economic means and methods of production. Max Weber (1864-1920) the German Sociologist emphasised the role of religion and politics on the growth of new social systems, while sociologists like the Italian Mosca and the American Wright Mills studied the role of political elites and the processes of consensus and conflict in society. However, the term "political sociology" first came into use in 1945. Since then, political sociology has become an empirical study of actual political behaviour of the voters, political leaders or elites, attitude research, etc. It studies political institutions, both formal and informal, as parts of the social system, and not as separate from the society, in which they operate. Broadly speaking, political sociology studies the following problems:

1. Political conflict and consensus in human society;
2. Social stratification, influencing and being influenced by politics;
3. Various kinds of *elites* and their influence on social life;
4. Alienation: and its social, economic and political origins;

5. Voting behaviour and its effects on political parties;
6. Political parties;
7. Interest or pressure groups.
8. Ideologies, their rise and influence on politics and society.

Conflict and consensus approach of political sociology gives us two views of its influence on politics and society. Karl Marx was the first to emphasise the role of class conflicts in the evolution of society. According to him, when new means and methods of production come into being, they produce a new class, which comes into conflict with the older classes still in possession of the old productive forces and relations in the society. But when it overthrows the old classes, it transforms the whole society and culture. But the new society again gives birth to a new class due to new technology and methods of production. As opposed to Marxist sociology, the consensual political sociology declares that with the growth of industry, a middle class comes into being, which harmonises the interests of the working classes with industrial classes and thus produce consensus in the society.

Elite Groups:

Political sociology, in present times, has concentrated attention on the study of elite groups, especially political elites, their membership and influence on social, political and economic relations and processes. Analysis of the elites is also closely connected with questions of political leadership, party organisation and political power. An interesting type of elite group is the military elites. Military leaders have always influenced political and social life of the nations and countries in all ages. In modern times, military elites have joined hands with industrial, religious and other social groups and thus control political power and economic resources of their States.

Political parties are also studied and analysed by the political sociologists. As political parties penetrate all aspects of modern State and society, their organisation and influence are important parts of the research by political sociologists. R.Michels, a political sociologist, asserted in his book, Political Parties, that in every party there are always some individuals or leaders who will dominate it. He called it the "iron law of oligarchy". He asserts that where there is organisation, there is oligarchy. He thus sought to prove that even representative institutions, like modern political parties, cannot be democratic. Even democracies will be dominated by elite groups. However, elite analysis has now shifted to the problems of elite behaviour, which is influenced by the way they are recruited and thus acquire opportunities for control and promotion. In present times, the political and party elites are selected on the criterion of achievement rather than on the basis of birth, status, wealth or social background, as was the case in the past ages.

Alienation is another important topic of political sociology, both theoretical and research-oriented. Alienation is a socio-psychological phenomenon. It means a tendency to withdraw or disengage from political affairs and problems and to be reluctant to participate in politics or in political activities. It is a form of political apathy. Alienation is manifested by various social groups during certain periods, such as youth, minorities, intellectuals, etc. It may be due to the structure of political or social life. For instance, in male-dominated traditional societies, women show political apathy and disinterest in politics. Marx was the first writer to study alienation. But he believed that it was permanent State of mind of certain groups, such as of the working classes in the capitalist society. In modern times, however, alienation is regarded as an attitude, which changes when social or political system changes. Alienation leads to various kinds of political movements and revolts, which aim at bringing about a change in the political system which has alienated the majority of the people.

Voting behaviour of the people is another important field of research and empirical studies in political sociology. These studies have indicated that, under ordinary circumstances and conditions, the voting behaviour of the people does not change and that the people are very conservative in their political attitudes and loyalties to political parties and ideologies. But their voting behaviour changes in times of social or political crisis.

To conclude, political sociology has revealed close links and interdependence between society and politics, that is to say, between the social, economic and psychological conditions and attitudes, on the one side, and political organisations and processes, on the other, and that political systems, governments and political parties are not so self-subsistent and independent phenomena as they were believed to be in the past ages.

POLITICAL SOCIALISATION

Political socialisation is both a formal and informal process of social and educative learning, by which political attitudes, preferences, skills, habits and beliefs are consciously and unconsciously imbibed by the individuals or citizens. It is a very important process. It orientates the people not only towards one or the other kind of political behaviour, political philosophy and ideology, but also causes stability or instability, continuity or change, and strength or weakness in a political system, and in the government of a country. It determines the type of participation in politics and government by the people. It is, indeed, the political aspect of the general process of socialisation which is always taking place in every society and culture. Harold D. Lasswell explains this process as thus: who learns what, from whom, under what circumstances, and with what effects.

Political learning begins early in family life, when the child is still young, when different treatment of the little boys and girls produces different political attitudes and behaviour in them. Generally speaking, boys are expected to be active in politics, while girls are deliberately denied political orientation and participation by their parents and other people around them. Class differences also produce differences in political attitudes and behaviour. Richer and well-off classes expect their members, young and old, to learn political skills and habits of domination and superiority, while the poorer classes are mostly humble, docile and submissive in their political attitudes and behaviour.

Agents of political socialisation are several; some of them influence the people more actively and deliberately, while others inculcate political attitudes, etc., more passively and unconsciously. Among the first is the family. Many of the political attitudes, beliefs, preferences and skills are learnt by the children at home. But, as we said above just now, this learning is affected by sex and class differences. In a traditional society, as for instance in India or Pakistan, the political education in the family is also influenced by the larger groups around the family, such as the castes and clans, tribes and *baradaries,* etc. Ethnic troubles, e.g., in Pakistan, are mainly, though not exclusively, caused by this kind of political socialisation in the family and neighbourhood life.

The second powerful agent is the school. Not only the political attitudes and beliefs of the teachers influence their pupils, but civic education is purposely imparted to them. This is one reason why the subject of civics is always taught in schools. Moreover, patriotism is also taught in schools by such methods as the daily singing of national anthem or saluting the national flag.

Other agents of political socialisation are newspapers, and journals, radio and television, political parties, pressure and interest groups, friends and neighbours, etc. Sometimes the influence of these agents is deliberate and consciously inculcated, but most often it is not so. Moreover, their influence produces some de-stabilising effect on the growing minds of the young people, for they sometimes learn the political cynicism of the adults around them. Consequently, they begin to downgrade political sentiments of loyalty and patriotism. This type of dichotomy in political socialisation also causes the phenomenon, called the revolt of the youth, especially among the college and university students. However, in the ideological countries, such as the Communist countries or Khomeini's Iran, deliberate political socialisation, called political indoctrination, is regarded as a primary duty of the State.

POLITICAL ANTHROPOLOGY

Political anthropology studies the origin of political power and authority in the primitive folk-societies of the past and present times. According to it, there are two kinds of societies: present societies with the State structures, and Stateless societies of the primitive times. The Stateless societies (as among the tribal peoples in Asia, Africa and other continents) were for a long time without a State system. But they had such political features as tribal leadership, control, as well as conflicts over the pastures, herds and such other rudimentary forms of property. These conflicts are not among individuals, as in modern societies, but among groups, which the political anthropologists call tribal segments. They are based on paternal-lineages/baradaries in Urdu or descent from common male ancestors. Still more primitive folk-societies, as among the aborigines of Australia or in the remote jungles of Indonesia, where society was matriarchal or there were not patriarchal segments, but bands. They hunted together and divided the food among them almost equally. Among these primitive bands, there was no politics, because there was no conflict. The whole band lived, moved and hunted together as a single social unit.

In short, political anthropology has described three kinds of societies: (i) States, as in the modern times (ii) Stateless folk-societies, which have or had rudimentary forms of political system and authority; and (iii) the apolitical bands of the most primitive times.

POLITICAL PERSONALITY

The idea of political personality is very old. People have always thought about the habits and qualities of the kings, rulers, conquerors, Statesmen, ministers, politicians, judges, administrators, and other men of authority. But the development of psychology, psychiatry and especially psycho-analysis has made the concept of 'political personality' qualitatively different from the earlier concepts.

Political personality may be defined as the enduring, organised and dynamic response-behaviour which is habitually expressed in a political situation. In other words, the habitual patterns of feeling, learning, knowing and behaving in leadership situations constitute political personality. In short, it is the leadership qualities of an individual.

The political personality of an individual is formed by his need or urge for power and control over others and his reactions to their opposition and resistance. He is confronted with such a situation from early childhood in his family life to adult age. Its formation depends not only upon the individual's psychology and character but also on the national character, social and political system in which he lives and the political culture and national character of the people of his country.[16] In short, political personality is formed by the life-processes of an individual: patterns of one's need for power, expressed through need-coping mechanisms (e.g. repression, stimulation, ego-striving, etc.), modified by his perceptions of reality and habits of learning, and screened through ideological influences.

Political personality must be 'dynamic', that is, it must be capable of doing something important or achieving such a change as desired by the group or people around the leader. In other words, a political leader must be a man or woman of action. This quality differentiates and distinguishes a political leader from a man of letters, a scholar or a philosopher. Sher Shah Suri, the Pathan Emperor of India, explained this quality succinctly as thus: "It behoves the great to be always active." A political leader must possess dynamism, which means the ability to change the behaviour of others. He should, therefore, be at once a man of words as well as of action, but more essentially of action. In past ages, political personality was mostly formed by the ideology and culture of the country in which the leader arose. But in present times, it is also influenced by international conditions and culture.

Various forms of political personality:

Political personality is different in different political systems. The personality of a parliamentarian is different from that of a leader of a political party. This is the reason why sometimes a powerful party leader proves to be a poor parliamentarian, or he may become a failure as a ruler. Similarly, a good judge may be a bad administrator, and vice versa. Even the political personality of the leaders of various political parties differ from each other, e.g., the political personality of the leader of a socialist party is different from that of a conservative party, of a religious party from that of a progressive party and so on.

The reason lies in the differences in party ideology as well as of the political environment of the party and of the group of people among whom they work.

Types of Political Personality:

Modern political scientists, psychologists and sociologists have analysed political personality into various types. They may be enumerated, briefly, as under:

1. Democratic personality;

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[16] **George Plekhanov, a Russian political thinker, writer, "A great man is great not because his personal qualities give individual features to great historical events, but because he possesses qualities which make him most capable of serving the social needs of his time, needs which arose as a result of general and particular causes."**

2. Liberal personality;
3. Conservative personality;
4. Progressive personality;
5. Radical or extremist personality;
6. Charismatic personality;
7. Revolutionary personality;
8. Authoritarian personality;

Indeed, the list is too long to be enumerated here. A conservative personality seeks to maintain status quo, while a radical personality wants to change the existing order of his country. Broadly speaking, the differences of the personality types lie in the process of political socialisation of the person concerned in his family, school and adult age, in the ideology and culture of his society and in his own attitudes and belief systems. Moreover, it should be noted that the personality types often overlap. Thus a political personality may be at once liberal and democratic, conservative and democratic, progressive and revolutionary, charismatic and conservative, authoritarian and conservative and so on. In short, the personality configuration is often highly varied. What is more, the voters often vote for a candidate whose political personality they prefer. At least, this is what is expected of the system of political representation. Two factors may also produce various types of political personality. They are alienation i.e. dislike and disloyally towards authority and anomie or apathy and disregard of political norms or rules. These conditions may produce, on the one hand, passive and traditional (political) personality and, on the other, radical, extremist or revolutionary personality.

POLITICAL CULTURE

Although it was known for ages that the cultures of various peoples and countries were and are different from each other, yet the idea of political culture is a recent one. In fact, it has been derived from the researches of the political scientists in the field of political systems analysis.

Definitions of political culture are many and varied. Roy Macridis says that it is "the commonly shared goals and the commonly accepted rules" regarding government and politics. Sidney Verba says: political culture is "the system of empirical beliefs, expressive symbols and values, which defines the situation in which political action takes place." Their definition makes it clear that "political culture" is not an a priori concept, but is about the day-to-day behaviour of the rulers and the ruled. Samuel Beer says that political culture consists of political values, beliefs and emotional attitudes about how government ought to be conducted and about what it should be. These values and beliefs, with greater or lesser modification, are passed on by instruction or imitation from one generation to the next. Thus Beer emphasizes continuity in political culture. It means that the political culture of a country is part of its general culture. It springs from the conceptions of authority and the conceptions of purpose for which authority is exercised in a country.

One difficulty of defining political culture is that it is a result of two opposite and sometimes contradictory trends, namely the political beliefs and attitudes of the individual and the political values and attitudes of the people and society in which he or she lives. Individual's attitudes and values are the result of political socialisation through which he or she has gone from childhood to adult age, which orientate him or her towards the political system. Political orientation of the individual can be due to three factors: individual perceptions of the political system and of its political personalities and structures; his or her feelings towards them; and the conclusions and opinions a person draws about them. These perceptions, attitudes and opinions produce effects on the political system. This is called his or *her political efficacy.* It means that the citizen can influence positively or negatively the decisions and policies of the rulers by his efforts, such as by his or her vote. This belief is the basis of democratic political culture. On the contrary, a person may believe that his political system is one of bribery, favouritism, nepotism and influence peddling. In this case, its political culture excites feelings of distrust, apathy, and a low degree of commitment to the political system. Moreover, in a country, there may be groups whose beliefs and values are different from the majority group. Such groups have a sub-culture. The political culture must, however, be acceptable to the bulk of the people in the country, if its political system is to achieve some degree of stability and security. In other words, it must have legitimacy, if it is to be a viable political system. This is the role of political culture in the political system. Every political system is embedded in its political culture.

In some cases, however, it may so happen that a political system "may change, but its political culture many not change correspondingly, or the political culture may change, but its political system may not. In such situations, the stability and continuity of the political system may be threatened. Such situations are the results of political alienation or anomie, apathy or disbelief in the old rules and norms of political culture or may be due to new forces of change, generated among some individuals or groups in the community, which may challenge loyalty, allegiance and trust in the decision-making authority of the political system. In more concrete terms, this dichotomy is due to the failure of the conversion processes or of the feedback to change the demands of the people into laws and policies by the decision-makers. It means that the "culture" of the decision-makers has become different from the "culture" or beliefs, attitudes, expectations and wishes of the people.

We may define the political culture as those ideas, values, attitudes or orientations about a political system which are acceptable to and shared by the majority of the people in the State.

Elements of the Political Culture:

Every political culture consists of various elements, which are orientations of the people towards different aspects of the political system. They are as follows:

1. Orientations towards governmental structures:

It means orientations towards governmental inputs and outputs. They may result in allegiance or alienation of the people towards the government. Robert Dahl has characterised these orientations or attitudes as *allegiant* or *alienated*. The allegiant orientations cause stability and continuity in the political system, while the alienated orientations lead to instability and change, which may result in revolt, revolution or transformation of the political system.

2. Orientations towards other people.

They produce trustful or distrustful attitudes towards the political authorities or government. They arise when the people ask: does government mean well in its policies and acts?

3. Orientations towards collective actions.

This kind of orientation or attitude is the basis of an individual's political participation, which may be active or passive. Active orientation makes an individual believe that he can influence the decision-makers in the political system by his efforts. In case of passive orientation, the individual has no faith in his ability to influence the decision-makers. Instead, he passively accepts what they do. This is the basic difference between democratic and non-democratic political cultures.

Some examples would illustrate the differences between various political cultures. In the countries in which government is regarded with fear and awe, majority of the people do not participate in politics and government, which they consider to be the privilege of the elite classes. Such attitudes are even impressed in their daily behaviour. In Mughal India, for instance, whenever a man saluted the emperor or governor, he bent down in obeisance, or *"kornish"*, before him. This practice, an outgrowth of feudal culture, was continued even during the British Rule in India. In the present-day independent Bharat, it is the practice of standing with folded hands before a man of authority. It is an outgrowth of the Hindu religious and culture. In Japan, the culture requires that when two men meet, they bow before each other according to their social status: man with lower status will bow much lower before the one of higher status: and when they bow before a man of authority, they bow the lowest.

In truly democratic countries, political cultures are quite different. In the United States, for example, people show their respect to men of authority but in a dignified manner. They only shake hands and address even the President of America as "Mr. President". It is because the American Constitution had abolished all kinds of feudal honours and modes of address. In Great Britain, where feudal traditions have persisted in social dealings, the popular attitude towards the government is more deferential. In France and Italy, political subcultures are still strong, causing governments to be unstable, and alienation and anomie so common attitudes of the people in politics. In West Germany, where the culture of obedience and discipline prevails, the people are not very much insistent on political rights. In most Muslim countries, passive obedience of men of authority is a part of their political culture.

The concept of political culture enables us to distinguish between power and authority. Unlike power, authority is exercised with the consent of the ruled. The people, who value power more than authority, will tend to be ruled by military men or dictators, while those who value authority more than power, tend to have democratic systems of government among them, What is more, the people who value authority more than power will possess such democratic values as rule of law, respect for the dignity of the individual, respect for rights, respect for electoral decisions, etc. In short, their political culture will be radically different from that of the people who value power as the basis of relations between the rulers and the ruled. But political culture is not something permanent or eternal. Most of the time, it changes slowly, though at times it may change rapidly. These changes may come from within the people themselves or from foreign sources. Foreign domination is one of the most powerful sources of changes in a political culture, because it results, in the establishment of a new political system, devised by the foreign rulers. For instance, the rise of the British Rule in the South Asian Sub-continent transformed its political system from what it was in pre-British times. For instance, all the talk in the Sub-continent of democracy, parliamentarianism, elections, rule of law, freedom of the press, rights and freedoms of the individual, etc., is due to the political culture inculcated by the British Rule, which culture was absolutely unknown to the peoples of the Sub-continent. But foreign influences on a political culture can also take place without foreign domination, as for instance through such information agencies as foreign radio or television stations, foreign news agencies, books, publications and foreign travel. Not only the general culture but also the political culture of a people changes under these influences. However, they can protect themselves from these influences by

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xenophobia or fear or hatred of the foreign persons and things. This is the reason why the political cultures of Japan and Turkey, who resisted Western domination for so long, are so different from the political cultures of other peoples of Asia, and Africa. In Europe, the English people have the most xenophobic political. culture. Moreover, the history of a people is greatly determined by the kind of their political culture. The people with xenophobic political culture protect their national freedom and independence more successfully than others. Furthermore, the more their political culture is uniform and influential among the whole people, the more they will be able to resist the fissiparous and disintegrative tendencies of the political sub-cultures among them, that is, of the political subcultures of their ethnic, religious and other minority groups. In short, the political system of a country depends greatly on the type of its political culture.

Significance of "political culture":

According to Almond and Verba, the concept of political culture provides the connecting link between micro-politics and macro-politics. Political culture is not a unitary concept. Lesser social and political groups have their sub-cultures, or micro-political cultures, while in modern societies and countries; there is also a macro-political culture of the nation or State. However, in the developing countries, the micro political cultures of the lesser groups or communities may be too powerful or influential for the macro political culture to be effective or efficient such are the cultures of the tribal or caste societies. On the contrary, in the modern States, the micro political cultures of the parochial groups or loyalties are either non-existent or ineffective. In other words, the decisions or a preference of the voters, of the officers or of the governmental decision- or policy-makers is made with a view to the interest of the whole nation. The problem of modernisation in the developing countries of the Third World is really the problem of transforming their micro political cultures into macro political cultures. The difference in political decision and policy making provides us with different types of political cultures.

TYPES OF POLITICAL CULTURE

The structural and functional differences in political systems give us different kinds or types of political cultures. Broadly speaking, they are of five types, as under:

1. **Parochial political culture,** in which there is loyalty and allegiance to the tribes or tribal groups, as in the Stateless societies of the primitive times or of the sub-Saharan African tribes of the past & present times.

2. **The parochial-subject political culture,** in which the first loyalty and allegiance of an individual is towards his caste or tribe or local community, and lesser allegiance to the State. The State also fulfils minimal demands of its subjects. As the culture is parochial, the people do not make many demands on the State; they are not citizens, but subjects. This type of culture existed in ancient and medieval times, as in the Gupta Empire of ancient India, or the Mughal Empire of medieval India, or in the Ottoman Empire, etc.

3. **Parochial Participant Culture.** The parochial participant political culture is one in which commitment and allegiance to the parochial communities, like caste, tribes and local communities or baradaries is still strong but the people also participate in the political activities of the State, such as elections, in which they cast their votes in the interest of their parochial groups, not for the political parties or national interest. This kind of culture is found mostly in the newly independent countries of Asia and Africa and of South America.

4. **Subject political culture.** It is one in which there are several political sub-cultures and therefore the subjects (people) participate in the political authority to a limited extent; hence they are not citizens, e.g. in the Bourbon France before the French Revolution of 1789. It becomes subject-participant culture, when the subjects (people) participate in the political system to some extent. In this culture, there is some alienation and apathy among the people. This type of political culture is found in modern France, Germany, Italy, etc.

5. **Participant Political Culture.** In this type of political culture the people participate in the political authority. They are, therefore, not subjects, but citizens. G. Almond and S.Verba have called this type of political culture as civic culture, as for example, in the United Kingdom or in the United States. This type of political culture requires two things of the citizens: rationality and active participation in political affairs. Political thinkers, from Locke to Harold Laski, have always favoured this kind of the rationality-activist model of political culture. According to this model, a successful democracy requires the citizens to be involved and active in politics, informed about the political affairs as well as influential in them. Their decisions, including that of voting, should be based on a careful evaluation of evidence and careful weighing of alternatives. The passive, non-voting, poorly-informed, or apathetic citizens may weaken democracy. Moreover, they should not be motivated by any lesser loyalties or solidarities, as do the voters in parochial participant cultures. Such a model of active and rational participation emphasises the participant orientation to politics, and especially to political inputs, or demands of the people. Their

allegiance is also primarily to the State or nation, even though they differ among themselves on party or policy matters.

6. **Authoritarian participant culture.** It is the type of political culture in which participation in political affairs and decisions is according to the *authority* of the State or government. The ruler is the real decision-maker and the people, as voters, are to comply with his decisions. This type of culture existed in Fascist Italy, Nazi Germany and exists now in the Soviet Union, Communist China and such other countries.

Change in Political Cultures:

Some political scientists believe that political cultures are not subject to much change. It is said that constitutions are not exportable. The truth is that a political culture is liable to change, although it changes gradually over generations, sometimes over centuries. But, during a revolution, it may change more rapidly than ever before. Such a change can also be brought about by the rise of a powerful political personality or by the domination by an advanced political culture, as it happened in those countries of the Third World which came under the domination of the Western Imperialisms. That was the reason why their parochial subject cultures changed into parochial participant cultures as we have noted above. In more recent times, the authoritarian cultures of the Soviet Union and Communist China are changing under the glasnost and perestroika policies of the Soviet leader Mikhail Gorbachev and identical polices of the Chinese leader, Deng Xiaoping. Nevertheless, a political culture has a momentum of its own. Even if a culture changes, it changes according to its internal conditions, which may help or hinder the change process. That is why, for example, the British model of parliamentary democracy in the present-day Bharat has been greatly changed by its dominant Hindu caste culture. In Pakistan, the reason why parliamentary democracy does not work properly is the influence of feudal, caste and tribal sub-cultures. On the other hand, introduction of sudden radical changes in political structure or in the social system may prove to be disastrous, as for instance was the case of the introduction of socialist reforms in Pakistan by Mr. Z.A. Bhutto's Government. The reason is that such changes are incompatible with the political culture of the country in question.

Lastly, political cultures are rarely integrated and homogeneous wholes. Instead, they may have one or more political sub-cultures due to racial, ethnic, religious and other reasons. This fact may result in one sector of the culture to change or develop more rapidly than other sectors or groups. If the sub-culture is more powerful, it may become such a political force as to lead to the disintegration of a political system of the country, due to its ethnic, religious, linguistic and such other differences in it. It is necessary, therefore, for such a political system to foster homogeneous and uniform economic, social and cultural development in the country. This is the essence of nationalism.

PART II
THE NATURE OF THE STATE

States do not come out of an oak or a rock, but from the character of he men who dwell in them.

(Plato.)

To rule is to educate.

(Plato.)

The character of the State changes with the agencies and procedures whereby what has been said gets done.

(Bertrand de Jonvenel.)

Chapter 9

The State

Origin of the term "State":

The 'State', as a politically organised community, has existed in human history since very early times. The ancient Greeks called it "polls", which means a politically organised city-community or 'city-State as we now call it. (From 'polis' is derived the English term 'politics'). The ancient Romans called the city-State *"civitas"* from which such English words as 'city', 'citizen', 'civilisation', 'civic' are derived. The Romans also used another term, namely Status re publican". The Latin term 'status' became "State" in Italian in the Middle Ages, and adopted different forms in various European languages in the 15th or 16th centuries A.D. In French it became "State", in English "State", in German "State", and so on.[17]

Different meanings of the State:

The term State is used in different senses. To an ordinary man, it appears as a sort of policeman writ large, and to a learned writer, like Hobbes, it is a "Leviathan" —a giant whose body is composed of the countless bodies of human beings. The ancient Hindus understood it as "*Danda*", i.e., power, and so did it appear in the eyes of medieval writers and peoples. To the Muslims in the middle Ages the State was kingly power. Modern writers and philosophers have also described it in various ways. Some describe it as a sort of general joint-stock company and others as a living organism. To the idealist philosophers it is a moral personality, an image of God on earth. To the Marxists it is an instrument of class domination. To the jurists it is a law-making institution; to the racialists it is a symbol of race-superiority. To the Freudian psycho-analysts, it is a man's "father image" to inhibit his perverted propensities. To an imperialist or colonialist writer, it is an instrument of enslavement and exploitation of backward peoples and countries. To the anarchists it is a brute force to be scraped from the pages of human history and society; and so on. But, as students of Political Science, we have not only to unravel this tangled skein of definitions and meanings and uses and misuses of this term of our science, but also to define and describe it in scientific terms and with scientific precision and objectivity.[18]

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[17] **Considering the continuing problem of the relationship of the State to the existence of socio-economic classes, the philological interdependence of State, estate, and status is of some interest.' Morton II Friad. See his article on 'State: The Institution', in International Encyclopaedia of the Social Sciences, Vol. 15.**

Various Definitions:

Definitions of the State are almost as many as the authors who write about it. Aristotle defined the State as "a community of families and villages having for its end a perfect and self-sufficing life, by which we mean a happy and honourable life".[19] This definition has obviously the imprint of its age when the State was no bigger than a small city-community.

A French king, Louis XIV (1638-1715), who styled himself as Sun-"King, defined the State simply as thus: *"L'etat, c'est moi":* "I am the State." This may be a good definition of the State for a king, but not for a political scientist.

A modern jurist, **Holland**, defines the State as "a numerous assemblage of human beings, generally occupying a certain territory, amongst whom the will of the majority or of an ascertainable class or persons is by the strength of such a majority or class made to prevail against any of their number who opposes it". This definition points out three essential characteristics of the State, namely, a numerous assemblage of human beings, a definite territory and a dominant class or majority will.

A writer on International Law, **Hall,** defines the State from the point of view of the International Law. He says: The marks of an independent State are that the community constituting it is permanently established for a political end, that it possesses a defined territory, and that it is independent of external control".

Burgess defines it as a "particular portion of mankind viewed as an organised unit". Bluntschli says: "the State is the politically organised people of a definite territory". President **Woodrow Wilson** defines it simply as "a people organised for law within a definite territory".

A modern sociological writer, **MacIver,** defines the State as "an association which, acting through law as promulgated by a government, endowed to this end with a coercive power, maintains within a community territorially demarcated the universal external conditions of social order".[20]

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[18] 'It is a distressing fact that the most meaningful words in the lexicon of Government are those least capable of clear definition" -S.K. Bailey *Congress makes a Law.* p.ix.

[19] The Politics of Aristotle, p. 83 (Everyman's Library); Aristotle further writes: "A state is a society of people joining together with their families and their children to live agreeably for the ask of having their lives as happy and as independent as possible".

[20] R.M MacIver. *The Modern State.* p22.

MacIver's definition stresses these features of the State: Community or association, territory, government with coercive power or sovereignty.

Cole says that the State "is a whole community of its members regarded as an organised social unit".

Harold J.Laski defines the State as "a territorial society divided into government and subjects claiming, within its allotted physical area, supremacy over all other institutions".[21] Thus Laski also emphasises the four elements constituting the State, viz., (i) society or people, (ii) territory or an allotted physical area, (iii) government and (iv) supremacy or sovereignty.

Garner says : "The State as a concept of political science and public law, is a community of persons, more or less numerous, permanently occupying a definite portion of territory, independent of external control, and possessing an organised government to which the great body of inhabitants render habitual obedience".

Marxist definition of the State.—By way of contrast, we also describe here the Marxist definition of the State which will show that the State can be viewed from quite a different standpoint. Karl Marx, the founder of scientific socialism and communism, holds that the State is the political organisation of the ruling class which uses its power for the purpose of suppressing the resistance of its class enemies. The State arose as a result of the division of society into antagonistic classes, and, therefore, for the purpose of curbing the exploited majority in the interest of the exploiting minority. It shall exist so long as there is the need for class domination and shall then 'wither away'. **Frederick** Engel's, the co-founder of Marxism, defines it briefly thus: "State is a particular power of suppression". In another place he declares that the modern State is "nothing more than a committee for the administration of the consolidated affairs of the bourgeois class as a whole". The apparatus of State power, viz., the army, the police, the judiciary, etc., is in the hands of one class to suppress another class or classes. Thus the Marxists explain the State in socio-economic terms.

Revolt against the term "State": Since the middle of the twentieth century, an intellectual revolt began against the use of the term "State". It was led by the political scientists of the functionalist, behaviouralist and other persuasions. They seek to eliminate this term from the dictionary of Political Science. We shall discuss the reasons of their "revolt" at the end of this chapter. However, the study of political Science has to begin with a definition and understanding of the term State.

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[21] H.J. Laski. *A Grammar of Politics*. p. 21.

We may define it thus: The State is a community of people, occupying a definite territory, organised under a government, which is supreme over all persons and associations within its territory and independent of all foreign control or power.

ELEMENTS OF THE STATE

From the definitions of the State, given above, we learn that it is composed of four essential elements or attributes:

1. Population; 2. Land or Territory;	Physical bases of the State;
3. Government; and 4. Sovereignty.	Political or spiritual bases of the State

1. Population. --

Man is by nature a social being; he cannot but live among other human beings. The State is an association of men living together. We cannot, conceive of a State without a population. Broadly speaking, the population of a State consists of three kinds of inhabitants; full Members State, called the citizens, who enjoy all rights and perform every duty towards their State; the subjects or nationals of the State who enjoy some rights; and non-members, called aliens, who are given only civil rights of life and property. The first two categories are the real elements of the population of a State. The question, which had much occupied the attention of ancient as well as modern thinkers, is: How large should be the population of a State? Plato believed that an ideal State should have a population of 5040 persons. Aristotle considered that it should be between ten thousand to one lakh persons. He, however, laid down a general principle that the number should neither be too large nor too small. It should be large enough to be self-sufficient and small enough to be well governed.[22] But the ideal of these thinkers was a city-State. Rousseau, who also did not like large States, put the figure at 10,000.

In modern times the States consist of large populations. There are small States with a population of few lakhs, like Panama or Albania, and very large States such as USSR with 28 crores, or China with 100 crores

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[22] **'A city (State) should consist of such numbers as will be sufficient (to enable the habitats to live happily in their political community'. *Cf. Politics of Aristotle*, p. 210. (Everyman's Library).**

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population.[23] No limit, theoretical or practical, can be placed on the population of a State. Only one thing can be said. The population should be so much as would be sufficient to perform all the needs of culture, arts, learning, industry, agriculture, defence and civilised life. It should not exceed the natural and human resources of the country.

2. Territory:

It is the second physical basis of the State. The people must live on a definite portion of territory of an appropriate size.[24] They must not wander from country to country, like the nomadic tribes. Wandering tribes do not form a State. When a people live together on a particular territory, they develop community of interests and patriotism, which are necessary elements of Statehood. For instance, the Jews of Europe and America did not have a State till they occupied Palestine with the help of Anglo-American support and built their State of "Israel". Similarly the Muslims of pre-partition India were a nation but no State, till Pakistan was parcelled out of the pre-Independence India. Like the population, the territory of modern States varies greatly. There are small States, like Luxembourg and big continental States, like Russia and Australia. Political writers differ regarding the size of the territory of the State. Formerly, they generally declared that the territory must be small enough to be well administered. It was thought that "a small State was proportionately stronger than a large one". On the contrary, in modern times, the tendency is towards large States, because the means of communication and transport have become so fast and cheap that vast areas can make a compact State. Democracy is possible in vast countries, as it was not possible in ancient or medieval

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[23] When Zanzibar, Kenya, and other new States, became sovereign States in Africa. The Times of London bemoaned over their tiny populations and meagre resources as thus: "Zanzibar now will be simply one of the many tiny States thrown up by the process of decolonization as the result of fierce but parochial nationalism, and it is far from being the richest. Cyprus has a population of 5,800,000 and exports and budget of about £ 30 per head. Trinidad, with a population of 9.00.000 has exports of L145 a head and a budget of £ 50 a head. Gobao with a population of 3.20.000 exports of £ 20 a head and a budget of L15 a head. There is a deficit of L4.50.000 on a budget of L32.47.000. Expenditure will rise as the cost of a diplomatic establishment is added, and on account of rising expectations of education, health and welfare." The London Time has conveniently forgotten to mention Kuwait, Israel or Singapore, the tiniest of all the tiny States but not so meagre in finances and budgets. (L = Pound Sterling).

[24] Aristotle remarks: To the size of States there is a limit, as there are to other things, plants, animals; implements; for none of these retain their natural power when they are too large or loo small but they either wholly lose their nature or are spoiled. For example, a ship which is only a span long will not be a ship at all, nor a ship a quarter of a mile long; yet there may be a ship of a certain size, either too large or too small which will still be a ship, but bad for sailing. In like manner a State when composed of too few is not as a State ought to be. Self-sufficing: when of too many, though self-sufficing in all mere necessaries, it is a nation and not a State, being almost incapable of constitutional government: See Politics (Jowett's translation) Book VII. Chapter 4.

times. Moreover, a small State does not possess enough natural resources within its boundaries for economic and military needs of modern life and defence. A small State cannot defend itself and perform other functions adequately which a State is expected to perform. The German writer, Treitschke, said, "The State is a power, and it is a sin for the State to be small". Modem tendency is towards economic self-sufficiency which is possible in large-sized States? Nonetheless, the population and territory should be correlated: State does not mean only the land, soil, rivers, lakes, mountains, etc. but also the subsoil and its natural resources. It extends to three miles into the sea or ocean and up to 20 miles (32 Kilometres), for economic purposes. If it is a Maritime State up into the air space above it. As regards the limits of air-space of the State, a very interesting question has arisen in the present days due to the invention of the artificial satellites and spacecrafts which spin around our planet thousands of kilometres up in the cosmic space. When the aeroplanes were invented, the air-space was extended as far as the highest flight of the latest aeroplane. But there is an obvious difficulty to apply this rule of the international law to the man-made "moons" and spaceships. This problem of the territorial limits of the 'cosmic space' is yet to be solved by international law.

3. Government:

A people living permanently on a definite territory do not form a State without a government to which they render habitual obedience. The State is nothing if there is no government to make it real. A people without a government are a mere assemblage of human beings and not a politically organised community. Government is the machinery or agency through which the will of the State is formulated and expressed. The State plans and acts through the government. It is the government that administers the State, keeps law and order, formulates the policy of the State, and organises the people dwelling within its territory. If the people are the limbs and the territory the body, the government is the head of the State.

4. Sovereignty:

The fourth essential element of the State is sovereignty. It means the supreme, original and unlimited power exercised over all persons and associations within the boundaries of the State, independent of every outside power. It is the soul of the State. The State alone is the sovereign association. It has two aspects: internally the State is supreme over all persons and associations; and externally it is independent of all foreign control or power.

Other Features of the State

Although the State is composed of the four essential elements, described above, it is also characterised by certain other features. They follow from the four essential elements, especially from the two, sovereignty and territory. They are as under:

1. Unity:

It simply means that the; population and territory of the State are organised and united under a single supreme power. Unity, however, is an attribute, not an element. It arises from the elements of territorial integrity and sovereignty of the State.

2. Continuity or Permanence:

It means that the State continues to exist for all times. Theoretically, the State is immortal. Its laws and sovereignty are for all times. Governments may change, but the State continues to exist; the king dies, but the kingdom lives on. In actual practice, however, it is not the State but the idea of the State that is immortal. The actual States have frequently changed in history, at times by slow evolution and at times, by forcible revolution. Once England was an absolute monarchy, then she became an oligarchy, now she is a crowned democracy, in which the Queen or King is a mere figurehead. In France, these changes have taken place in a violent, revolutionary way. Similarly, Russia before 1917 was an absolute monarchy, but she is today a Communist State. Moreover, one State can be conquered and annexed by another State, just as England subjugated many States in the post-Mughal India. So, in practice, States are not continuous and immortal, as they are claimed to be in theory.

3. Equality:

It means that all States, whether big or small, are equal in the eyes of International law. It is an attribute of external sovereignty.

UNSCIENTIFIC USES OF THE TERM 'STATE'

As we have said above, the word 'State' is sometimes used in an unscientific manner. For example, each of the units of the USA is described as a 'State', e.g., the New York State. Similarly, in pre-Partition India, the native princes ruled certain parts of the Indo-Pak subcontinent, which were called the 'States', e.g., the Hyderabad Deccan State, or the Swat State in Pakistan.

Hence questions may be asked: (a) Was Hyderabad or Swat State a State? (b) Is New York State a State? In the same way a question may be asked whether the U.N.O. can be regarded as a State or not. (d) Is a British

Dominion a sovereign State? (e) Is Peshawar or Lahore Corporation a State?

(a) Hyderabad (Deccan) State:

It was a 'State' in British India. But it was a misnomer to call it a State, because it had no independence and no foreign policy of its own. It was under the paramount power of the British rulers of India, who interfered even in its internal administration and law. The Bharat Government, which succeeded the British, has therefore dismembered and put an end to it, without any international reactions, because it was an 'internal matter' of Bharat. Similarly Pakistan has annexed such princely State as Swat, Chitral, Bhawalpur, into its territories.

(b) New York State:

It is one of the 50 'States' of the U.S.A. It is a component unit of a federal State, but it is not a 'State' in the sense as understood in Political Science. No doubt, it has the three essentials, namely, people, territory and government. But it does not possess the most essential element of sovereignty. New York State has no army, no defence or foreign policy of its own. In this respect, it obeys the authority of the Federal Government of the U.S.A. at Washington D.C.

(c) U.N.O.

It is also not a State. Although it has a rudimentary kind of governmental organisation, e.g., a General Assembly, a Security Council, a Secretary-General and an International Court which might be regarded as its legislative, executive, administrative and judicial organs, like that of a State government, yet it lacks all essential elements which constitute a State. It has no people whom it can rule, no territory which is its own and, above all, no sovereign authority. It is not even a 'super-State as it is sometimes claimed. It is only an association of independent, sovereign States, which have agreed to participate in its discussions and decisions for their national ends and interests, and to obey it only in those matters which suit their own interests or purposes. It is claimed by some American and European writers that the U.N.O. would become the world-State of the future. But such an evolution seems to be quite improbable, because it would violate one of the basic principles of the U.N. Charter, viz., the sovereignty and independence of its member-States. The U.N.O. is only a glorified International Postal Union or such other international organisation.

(d) British Dominions:

British' Commonwealth of Nations comprises several States which enjoy what is called a Dominion Status. They are Canada, Australia, New

Zealand, etc. Ghana, Bharat and others are also Dominions with somewhat different status. Is a Dominion a sovereign State although it is a member of a wider political union, the Commonwealth? It is said that they are no sovereign States, because, firstly, they have accepted constitutions framed by the British Parliament, and, secondly, their Heads of State, the Governors-Generals, are appointed by the British Sovereign. But this is wrong. The British Dominions are sovereign States, as it is shown by the definition of the Dominion Status. The Dominions are autonomous communities, within the British Empire, equal in status and in no way subordinate to one another in any aspect of their domestic or external affairs. Though united by a common allegiance to the British Crown, they are freely associated as members of the British Commonwealth of Nations. Every Dominion is sovereign and independent both in its internal affairs and external relations. It has voluntarily accepted the membership of the Commonwealth. The white Dominions, like Canada, Australia, have accepted this membership for racialistic and imperialistic considerations, while the 'coloured' Dominions, like Ghana or Bharat, have done so for certain national advantages. In the case of India the Constitution was not given by British Parliament and the President is not appointed by the British Crown. So its relation with the Commonwealth is still weaker than that of the 'white' Dominions. In short, the British Dominions enjoy full internal and external freedom. They must, therefore, be regarded as sovereign States.

(e) Municipalities and other local self-governing bodies:

Is a municipality, like Lahore Corporation, a State? No, it is not. Though the local self-governing bodies possess the three features of the State, viz., population, territory and a governing body, yet they are not sovereign. They exercise delegated powers from the Central Government, which is really supreme and final in authority. In short, they lack sovereignty. Hence they are not States.

(f) Ancient city-States and Modem mini-States:

In ancient Greece and Rome, the States were no larger than a city or town, called 'polis' or 'civitas' in Greece and Rome respectively. It usually comprised a few thousand citizens, besides slaves and foreign residents, and extended over a small territory and villages around the city or town. In spite of its small size and population, the ancient city-State exercised all powers and sovereignty of modern nation or country States, which contain large populations and extend over vast areas.

There are a few tiny city-States even in the modern times, like Monaco on the coast of France. But they are not States in the real sense, for they are not recognised as such by other States of the world. They have no place or position in International Law and relations.

In recent times, however, especially after the Second World War, several small-sized States have come into being in former colonies and dependencies of the Western Imperialisms, as we mentioned above. A few of them, like Singapore, Kuwait, are even of city-size dimensions. They might better be called 'mini-States' or 'pigmy' States, as a Secretary-General of the U.N.O. described them. They are, however, full-fledged States are internationally recognised and are members of the international bodies, like the U.N.O. Their populations are a couple of lakhs. The strangest development in this respect is the attempt of a tiny island in the Caribbean Sea, off the coast of Central America, called Anguilla, to become another 'mini-State' though its population is no more than 16,00 persons. Presently its former colonial master, Great Britain, is restraining its efforts to become a sovereign State. But if it succeeds in its independence struggle, Anguilla will become the tiniest of the 'mini-States' in the world to-day. It is, on the whole, an interesting experiment in the evolution of the States in the modern times. But it seems to be a *reductio ad absurdum* of the modern State, as shown by the fate of such tiny States as Bhutan, Sikkim, Maldives, and others, which are subjugated by India, their powerful neighbour.

STATE DISTINGUISHED FROM GOVERNMENT

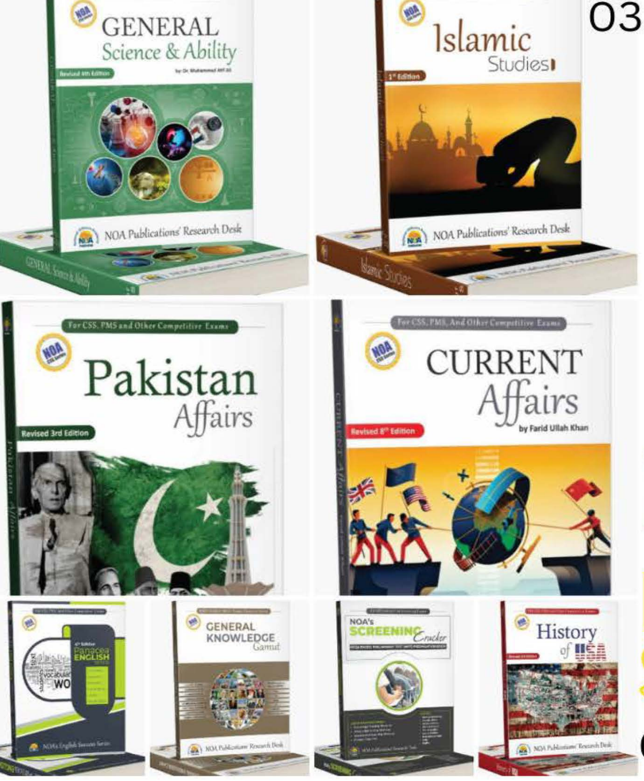
In popular discussion, the terms 'State' and 'government' are often used interchangeably; the one is used for the other. The two are often confused together. There is a celebrated saying of a French King, Louis XIV,"I am the Stat". What he meant was: "I am the Government." Let us now distinguish the State from the government, a distinction which was first made by the famous French thinker, J.J.Rousseau.

1. *The State is abstract, the government concrete.*

The State is an abstract concept, which cannot be perceived by our senses. It comprises of four elements. All States are identical, because they must consist of the four essential elements. The government is a concrete term, which refers to a group of persons who can be seen exercising supreme authority.

2. *Government is a narrower term than the State.*

The State consists of the total population which lives in a particular territory. But the government means only a few persons who administer it. Every citizen is a member of the State, but he or she is not necessarily a member of the government, unless he or she is elected to the legislature or becomes a minister or a judge, etc.



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3. ***The State is permanent, the government is temporary.***

The State has the quality of permanence. The whole world is divided into a certain number of States, each occupying a portion of territory on the globe. Hence it is a permanent association. On the other hand, the government is temporary. When one government falls, either by election or revolution, another is formed, but the State continues to remain the same, provided revolution does not bring about a political transformation, in which case a new type of State comes into being.

4. ***Sovereignty belongs to the State, not to the government.***

The State is the sovereign community, politically organised, whereas the government is only an agent of the State. The government exercises such authority as is given to it by the State through its constitution. The relation between the State and the government is like that of a principal and his agent.

5. ***Territory is an essential characteristic of the State but not of the government.***

The State cannot exist without the territory, but the government has no reference to territory; it refers to persons or groups of persons who exercise political power or authority.

6. ***The State is an association; the government is an organisation.***

The State is an association of human beings for realising common ends or purposes, whereas the government is a machinery or organisation for realising the purposes or ends for which the State exists. It is the government which carries out the purposes of the State. That is why one cannot imagine a State without the government, which expresses the will of the State.

7. ***The individual can have rights against the government, but not against the State.***

STATE AND SOCIETY

The two terms, State and society, are sometimes used interchangeably. Ancient Greeks and modern idealist thinkers make no distinction between the two. However, there are some differences between them, as shown by both Sociology and Political Science. These differences are as follows:

1. ***Society is a wider term than the State.***

Society is defined as "the complex of organised associations and institutions within a community". It means that all the relations which exist between human beings, whether social, economic, religious or political, are social. The State is only one of these many relations. They are those relations which exist between the rulers and the ruled. They are the product of government. MacIver has rightly remarked, "There are social forces, like custom or competition, which the State may protect or modify but certainly does not create; and social motives like friendship or jealousy, which establish relationship too intimate and personal to be controlled by the great engine of the State".[25]

2. ***State has territorial reference, but not society.***

Territory is an essential element of the State. If there is no territory, there will be no State. But "society has no references to territorial occupation: it refers to man alone, and not to his environment". For instance, though Islamic society extends over several countries of Asia and Africa, yet they are distinct States. Some of the social organisations and associations go far beyond the boundaries of several States, e.g., the Red Cross Society, or the Rotary Club. In a sense, there is only one human society all over the globe, which is, however, divided into more than a hundred and fifty States.

3. ***State is sovereign, society is not.***

One of the basic differences lies in the fact that the State is sovereign; it exercises coercive authority, and enforces its laws and orders by force. But society has no coercive power to punish those who do not observe its customs and rules. It appeals and persuades its members to observe its rules. Society is based on voluntary co-operation. Its energy is goodwill. But the State is based on coercive action, its energy is force and its method is rigidity of laws.

4. The State cannot exist without a government but a society may not be politically organised. There were societies before the State came into being. And there may, in future, be a society without the State. Even today, there are some simple communities, which have no State, e.g., the tribes of the Eskimos. They are known as "Stateless societies". The term society applies to all organised and unorganised human communities. A tribal people have a society, but may have no State.

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[25] R.M. MacIver. *The Modern State*, p.5.

5. ***The State and the society differ in purpose.***

The State exists for one single purpose of maintaining peace; society exists for a number of purposes, "some great and some small, but all, in their aggregate, deep as well as broad".

Their inter relation.

In spite of their differences and distinctions the State and society are interrelated. As Prof. Barker says: "They overlap, they blend and they borrow from one another". The State is the highest form of social organisation. It provides the framework of the social order. According to Laski, the State is a way of regulating human conduct. "Any analysis of its character reveals it as a method of imposing principles of behaviour by which men must regulate their lives". A well-ordered society cannot exist without the State, because it is the State which binds the individuals to certain rules of outward conduct. Society is held together by the State.

Their interrelation should not, however, be carried to an extreme. If the State endeavours to regulate every aspect of social life and relationship, it will become despotic and tyrannical, and destroy the liberty of the individual. It is for this reason that the two terms, State and society, should be clearly distinguished. 'To identify the social with the political is to be guilty of the grossest confusion", writes MacIver, "which completely bars any understanding of either society or State".[26] It will justify State interference in all aspects of human life. It will make the State an end and a means to an end. The State is really a means rather than an end in itself. An omni-competent State will really become an incompetent State. Hence society and State must remain distinct and separate in nature, functions and ends.

STATE AND ASSOCIATIONS

An association is a group of persons who have a common purpose or purposes for which they organise themselves, it has, therefore, three elements; namely, a group of people, a common purpose or purposes, and common rules which organise the activities of the members. At crowd of people in the bazaar is not an association, because they have no common purpose and rules. A school, a university, a Trade Union, a church, or a literary club, etc. are associations. The State too is an association. But it is different from other associations, as shown by the following features:

1. ***Associations are voluntary, while the State is a compulsory association.*** A person can become member of several associations, but he or she will necessarily be a member of one State, in which he or she is either born, or which he has adopted as his or her country. He can withdraw from

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[26] Ibid, p.4

the membership of any association as he likes, but he cannot leave his State without its permission.

2. ***The State is a permanent association, while other associations are not necessarily so.*** Some of them last longer than other. For example, the Roman Catholic Church has existed for about 2,000 years. But most other associations are temporary. They cease to exist when their purposes are achieved. The State continues to exist for long time. It can be destroyed by conquest, revolution or decay. For example, the Mughal Empire ceased to exist when overthrown by the British and the Roman Empire or the Abbasid Caliphate ceased to exist when they decayed and disintegrated into several succession States.

3. ***The stole and associations differ in their purposes.*** All associations have definite and limited purposes and interests. The State has the general purpose of maintaining Peace and order and promoting the happiness and welfare of all of its citizens. The State is essentially and order-giving organisation.

4. ***The State is sovereign and possesses coercive power to compel obedience to its law by punishment.*** Associations are voluntary and cannot compel obedience to their rules by fear and force of punishment. They may impose a fine, or expel the recalcitrant members, but the State alone can impose punishment on law recalcitrant members, but the State alone can impose punishment on law breakers to the extent of life imprisonment or death. In other words, State has unlimited power, while the associations are either political bodies, or they possess powers, defined and limited by the authority and law of the State.

5. ***The State controls all other associations, while none of them can control the State.*** It is supreme over all of them, because it is sovereign, it is an omnipotent association. No other association can claim such powers.

6. The State has also the power to create any association and prescribe its powers and functions, e.g., it sets up universities.

7. ***The State is a territorial association.*** It includes several other associations within its boundaries. But other associations are not territorial in structure and purpose. Some of them exist within the confines of a State but other may extend beyond its boundaries. The jurisdiction of the State ends at its frontiers, but a voluntary association may regularize the conduct of its members dwelling in several States, e.g., Red Cross, Rotary club or Universal Postal Union.

Revolt against the use of the term 'State government, sovereignty'

In the nineteenth century, when the science of politics rally came into being, political scientists, with their legal-institutional approach, "accepted a more or less rigid concept of the State as a component of specific mechanisms of government" They applied this term to the States which existed in Europe and to those which existed in ancient Greece and Rome. Accordingly, these European States possessed the attributes of well-defined territorially sovereignty. They also did not bother to study whether there were States in Asia and Africa, like those of the European States. Political Science was then only concerned with States in the Western world, i.e. Europe and North America.

Discarding the term State.

Reaction against the use of the term "State" began early in the twentieth century. It was due to the influence of such social sciences as psychology, anthropology and sociology, as well as biology. It gave rise to the theories of functional and operational systems. Functional approach is derived from sociology and anthropology. It emphasizes the fact that a social or political system is a process, and therefore not something static; secondly, that it has no end or goal, and thirdly, that the activity of one part of a system is related with that of the other. Hence, if one part is affected, the whole system is affected too. A system is, therefore, an integrated whole, or a structure. It may be noted that the third element is in contradiction to the first two, for an integrated whole is necessarily static; it militates against change. Anyway, this approach is known as functional-structural analysis.

Side by side with the functional approach to politics was the influence of the operational research. The result of functionalism and operationalism was the virtual elimination of the term "State" and its "elements". Indeed, the "State" was believed to be too complex and too unwieldy a subject for operational research. At this stage came the influence of behaviouralism in the middle of the twentieth century. Behaviouralism was derived mainly from psychology, emphasized the micro processes of politics, especially the decision-making processes. The result of these three influences, viz., of functionalism, operationalism and behaviouralism, was the virtual elimination of the term State and of its elements from political science. "As a result" writes Morton H. Fried, "it is impossible to offer a unified definition of the State that should be of satisfaction to those seriously concerned with the problem." Instead, they prefer to use the term "political system". Let us now see how these political scientists refute and reject the "content" or elements of the State.

1. Territoriality:

As defined above, the term "State" consists of four elements, viz. government, territory, people and sovereignty. The third element, people, cannot be eliminated at all from any political organization. Government is so essential an element in the concept "political scientists attack the remaining two elements, namely territoriality and sovereignty.

Although territory is an essential "element of the modern State, it is not found in the simple societies of the primitive times, such as the tribal or kinship societies of the past and present times. In the past ages, nomadic tribes used to wander all over the earth without being bound to any particular place or territory. We may further add that in the medieval kingdoms and empires in Asia and Africa, and in pre-Columbus Americas, although the concept of territory was known, but the idea of well defined borders or frontiers did not exist; they constantly shifted from place to place, with the result that whole districts, or territories, wee sometimes regarded as part of one or the other kingdom or empire. The same was the case in Feudal Europe. It was with the rise of the modern States in Europe during the 15th and 16th centuries, that the concept of clearly well-defined borders first arose. When the European States acquired colonies in Asia and Africa, they imposed well-defined frontiers on their colonial possessions. Accordingly, the behaviour a lists and some other present-day political scientists reject the concept of territoriality as too ambiguous for purposes of political analysis.

2. Sovereignty:

Modern political scientists attack the concept of sovereignty also. According to them, there are various levels of administrative power of decision-making in a political system. In the kinship societies, the decision-making power was both customary and parochial, without any supreme authority in them. In the modern States, there is a supreme authority. But it exercises no absolute, unlimited and unconditional sovereign authority over the lesser administrative units. Instead, its function is to maintain channels of communication between various levels of authority in the State. Accordingly, the emphasis should not be on sovereignty but on legitimacy of authority, which makes people to accept it as rightful and legitimate.

The result of these attacks is that the concept of "State" is virtually discarded by some political scientists in the present times. But its repudiation has led to a strange phenomenon. What these political scientists have thrown out from the front door, they bring back through the backdoor. So the term "State" is sometimes used by them, although half-heartily. They define it in circumlocutory manner. For instance, Robert A. Dahl, a behaviouralist political scientist, first defines government and then equates political system with the State. He says. *"The Government is any government that successfully upholds a claim to the exclusive regulation of the legitimate use of physical force in enforcing its rules within a given territorial area."* He thus recognises the physical force, enforcing its government's rules. But this is really what sovereignty stands for, and exercised over a given territorial area, which is territory. He then adds, "The political system made up of the residents of that territorial area and the

Government of the area is a State." Thus, the behavioural political scientists also recognise the "State", though in a roundabout manner. According to them, State = political system = government + residents (people) + territorial area + exclusive regulatory power. Obviously, this is what the State is, as defined by the earlier writers. The advantage of the new definition of the State is one: it can indicate when the State will begin to vanish. Dahl writes, "We can be reasonably sure of one thing. When large numbers of people in a particular territory begin to doubt or deny the claim of the Government to regulate force, then the existing State is in peril of dissolution". In Political Science, this condition of a State is known as *"cries de regime"* or crisis of the regime. It portends the coming revolt or revolution against a particular State. It means that the behaviourist concept of State has made it an operational concept, that is, research in political analysis has become possible. This term "State is again rehabilitated in Political Science, but has been made operational, something which it has lacked in its earlier definition. This enables the political scientists to anticipate political change or development.

Chapter 10

Historical Evolution of the State.

A study of world history shows that States have arisen at different times in different countries. They assumed different forms and organizations in different countries of the people, and of government and law at different ties and places. Hence the actual structures and forms of the States have always varied. Even, the evolution of the State in a country did not remain the same. Having once started on the course of political evolution, some people continued with it while with other it came to a standstill, or even regressed to earlier forms. While one State has gone a step back, another has gone two steps forward. That is why we do not find any uniformity and continuity in the evolution of the States in different countries and peoples.

A brief description of the stages through which the States have actually evolved from primitive times to the present day would be useful and instructive for a student of Political Science. It will provide him a frame of reference for the study and understanding of the States and political theories and to foresee the future evolution of the State. Broadly speaking, the State has evolved through the following forms or stages:

1. Stateless Societies of the primitive times.
2. The Tribal Kingdoms.
3. The Oriental Empires.
4. The Greek City-States.
5. The Roman Empire.
6. The Feudal States.
7. The National States of the modern times.

1. The Stateless societies of the primitive times:

Origins are always obscure, write MacIver. It may be particularly true of the origin of the State, which is shrouded in the darkness of the primitive ages. There are no written records of the way the primitive people lived. Nevertheless, anthropology, archaeology, proto-history and other studies and discoveries about the primitive times have aided us in understanding the social life of the primitive peoples. From all these sources we know that the earliest human society was matriarchal in form. The primitive matriarchal society was without any 'State or political authority whatsoever. However, when Man began to produce things by labour of his hands and had invented tools and techniques to produce them, the matriarchal society changed slowly into a new form, viz., the patriarchal society.

The patriarchal society of prehistory was still a Stateless society. It consisted of the families, which were grouped into clans. Several clans formed a tribe. A family was headed by its male member, father or grandfather, and consisted of his wife or wives, and their children, along with a few slaves and dependents. Its aim was the control of sex life and property of the group. It raised a number of problems for the primitive patriarchal society, which led to the regulation of marriage and family relations, the regulation of property relations, inheritance of family property, barter or sale of goods, etc. These problems were solved by exercising social control by the authority of the eldest male head of the family or clan and regulated by tribal customs. In course of time, this social control assumed a strictly political form when it was exercised by the authority of the council of tribal elders and by a tribal chief. Besides sex and property many other factors also, contributed to this transformation of social control into political control. They were, briefly, religion and war. Religion was mainly magic and consisted of ancestor-worship and nature. The whole clan or tribe participated in religious rites, led by its elders and chiefs. Common worship strengthened the unity of the tribe, created by its kinship relations. Furthermore, unlike the earlier matriarchal society, the patriarchal society was torn by the wars of the clans and tribes. Man began to kill man. Common needs of defence and war necessitated military leadership and control. Thus a successful military leader became the political head of the tribe. He was the first king or ruler in the history of mankind. This is how the patriarchal society gave rise to the tribal State—the first State in human history.

The map of the world illustrates these changes even today. The primitive aborigines of Australia (the Bushmen as the British colonizers call them) and the primitive people in Indonesia, Malaya, etc., are still living in the matriarchal stage. They know nothing about political organization or State. On the other hand, the savage communities and peoples of South and East Asia, Africa and America had progressed up to the patriarchal society and tribal State. But the civilised peoples of Asia, Europe and North Africa had since long evolved higher forms of political organization.

2. The Tribal Kingdoms of Antiquity:

The tribal kingdoms of the proto-historical times came into being, first of all, in the river-valleys of Africa and Asia, such as those of the river Nile in Egypt, of the Euphrates and Tigris in ancient Sumeria (southern Iraq), of the river Indus in Indo-Pak sub-continent at Harappa and

Monjodero or of the Yellow River in" ancient China. At first, these tribal kingdoms were confined to the cities in which they rose about 5000 B.C. These primitive tribal States or kingdoms still preserved many features of the earlier Stateless societies from which they had grown up. The king's authority was not absolute, but limited by the customs of the tribes and consent of the tribal chiefs, who constituted the consultative body of the kingdom. The king was mostly chosen for the qualities of leadership on the battlefield and in the consultative councils. Though kingship was hereditary, but the successor of a deceased king was not necessarily his son: he might be his -brother, uncle or any other relative who possessed the qualities of courage and wisdom.

At first, these tribal kingdoms were confined to the cities and their environs, in which they had risen to power. But from about 2000 B.C., a change occurred among them. Some of the proto-historical city-based kingdoms became city-States and other empires. So this evolution produced three distinct types of States in antiquity. They were the ancient empires of the East (circa 200 B.C. to circa 500 A.D.) the city-States of ancient Greece, from about 800 to 336 B.C., and the Roman Empire, from about 300 B.C. to 500 A.D.

3. The Oriental Empire:

In certain suitable places in the East, e.g., Asia and North Africa, climate, geography and the inventive genius of man transformed the tribal States into city stales. But, unlike the Greek city States, these oriental city States quickly evolved empires. Such empires existed in ancient Egypt, Iraq, Iran, and China. They arose in the river valleys of the Nile, the Tigro-Euphrates, the Ganges, and the Yang-tze, which are, therefore, called the "cradles of civilisation" Warm climate, fertile soil, abundance of water and the unbroken plains around these river-valleys enabled a powerful and aggressive tribe or city to conquer vast territories and enslave large populations and thus become an empire. 'The city is the first condition of empire". It became a centre of wealth and thereby a centre of power. The early empires of the world, e.g., Babylonian, Assyrian, Persian, Egyptian, Chinese, were established by peoples who had first learnt the art of city-life.

The oriental empires became different from the earlier tribal State in many ways. The tribal State was based on kinship relations, while the oriental empire was based on conquest and force. The tribe was organised on social equality, but the empire was organised on inequality of the rich and the poor, the free and the slave, the warrior nobles and the servile peasants, the priestly class and the ignorant masses. The tribal chief was really the first among the equals, but the oriental king or emperor was the master of all, and was even worshipped as a god or a demi-god. The membership of the tribal State was determined by birth; but when a stranger

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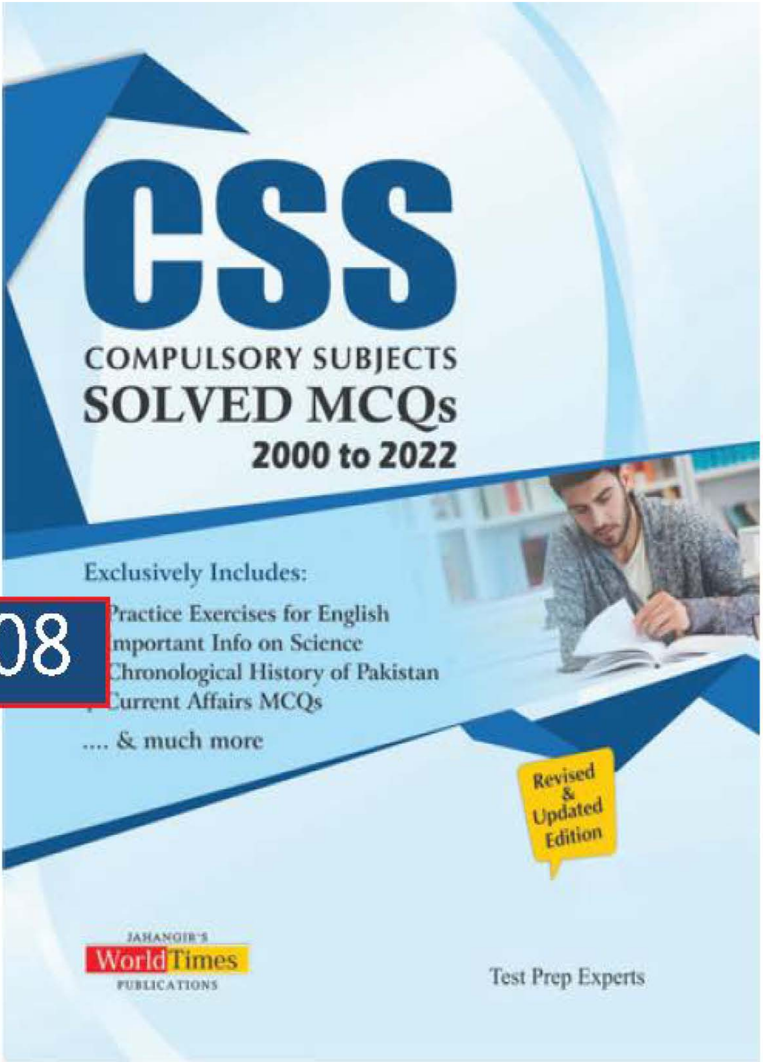
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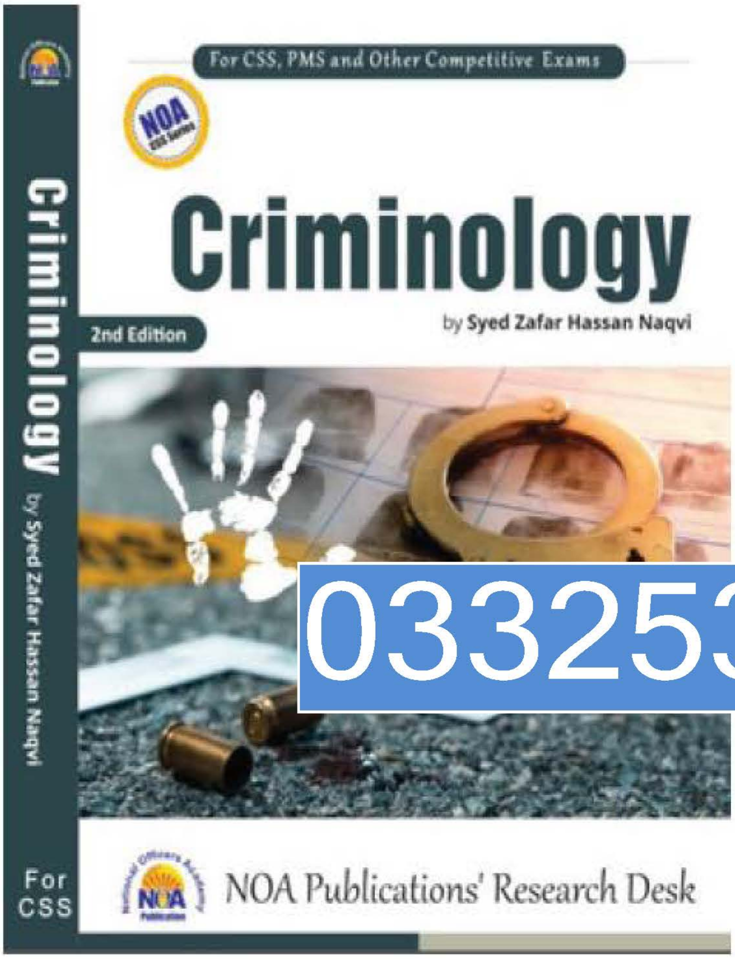
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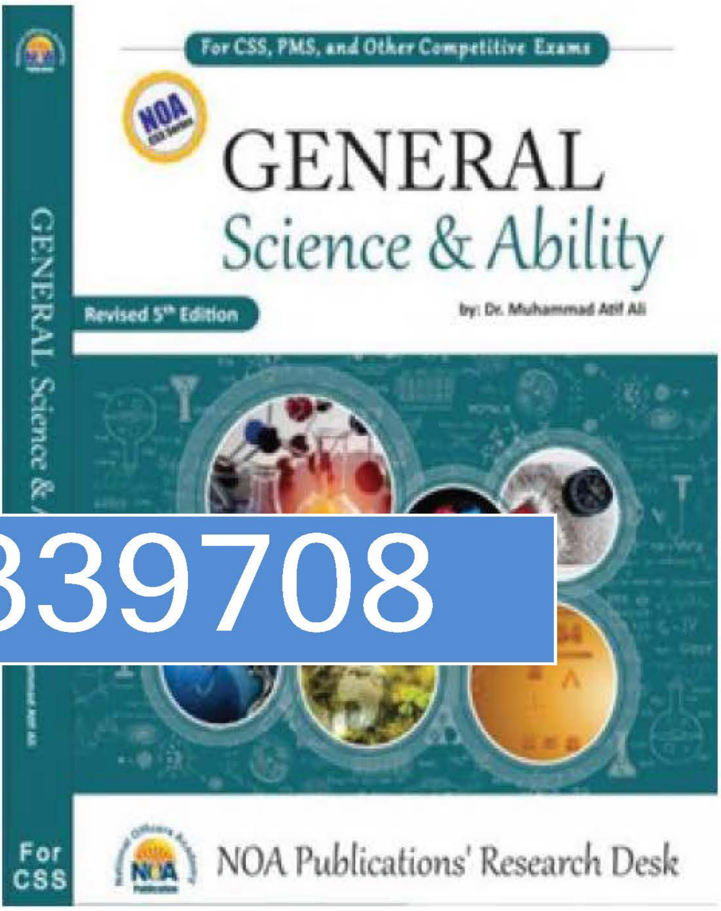
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once became a member, he enjoyed almost equal right. The membership in the empire depended on conquest, force and subjugation and did not entail any equality of right, --social, economic or political. On the contrary, rights and privileges depended upon the social status and class position of a person.

The oriental empires were land empires. Their economy was based on agriculture and slavery. The peasant is the most conservative person in the world. If not burdened with too many taxes and extortions, he would tolerate all kinds of tyranny and misrule. For him the distance between God and the king was one degree that is why the peasants of the oriental empires tolerated the despotism and tyranny of their emperors and kings. This was the secret of the stability and permanence of the ancient empires of the East.

A Theory of their origins: Karl a. Wittfogel, a German social historian, has expounded an interesting theory of the origins of the Oriental Empires, whom the two things: firstly, large work-force of free slave labourers, in order to build dams, dig canals and maintain them for irrigation and flood control purposes, and, secondly, a large ruling class of officers, supervisors, and others to manage, supervise and direct the free and slave work-force. This class consisted of both the bureaucratic managers and officers, military commanders and also the influential priests. Over and above this elite class stood the supreme ruler of emperor. That was how the small tribal kingdoms of the river valleys were transformed into the vast oriental empires, which ruled over several river valleys and their "hydraulic society".[27]

Though socially stable, the oriental empires were politically weak and unstable. They were governed by hereditary and despotic monarchs, who ruled a few citizens but many subjects.

The citizens were the warrior nobles and the priestly classes who possessed wealth and social and political privileges. The subjects, consisting of the peasants, had no rights and privileges. The citizens and the subjects had no political rights or liberty. They had to obey the ruler and pay taxes to him. The ruler appeared to them really as a slave-driver and a tax-collector. "Neither unity in the State nor liberty of the individual was possible under such conditions". The despotic king or emperor, unchecked by popular will, regarded the State as his property and the people as subjects and slaves. These are some of the reasons why the oriental empires provide nothing of interest to the students of Political Science. In spite of all their wars of conquest and expansion, they did not progress politically, socially or economically for centuries. The power of the ruler was based on the military and priestly classes. The society was divided into two classes, the slave and the free; but even the free men had not much of freedom. They were the subjects of the king, with little or no civil rights and political liberty. The authority of the ruler presented a strange picture. It was despotic and unlimited at the capital, but weak and unstable in distant provinces. Hence the provincial governors often became independent rulers themselves whenever a weak emperor came to the throne. That is why political power shifted from city to city, capital to capital and province to province, and from dynasty to dynasty. The oriental empires, therefore presented a strange mixture of strength and weakness, anarchy and order, instability and stagnation. They never developed beyond royal despotism.

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[27] Cf K.A Wittfogel. *Oriental Despotism.*

Nonetheless, if we criticise the oriental empires of antiquity of their tyranny, their harshness, their social rigidity and caste system, their warlike ways their stagnation, inertia, and decadence, we must also remember some of their merits. Firstly, the autocracy of the oriental kings was limited by custom, religion and tradition. His word was not always law, for law was derived really from custom or religion. Secondly, for all its weakness and instability, the oriental empire created conditions of peace and order over vast areas of the ancient world, in ages when mankind had not yet invented means of rapid communication and social control. It disciplined vast populations into obedience and peace. Thirdly, though politically unstable, the oriental empires created a stable society in which arts of peace and culture were greatly developed. Modern world owes much in arts, roads, culture, industry, agriculture, science and learning to the empires of the ancient East. These are also some of the reasons why this type of the State survived down to the recent times in the East.

4. The Greek City-State or Polis:

On the shores and islands of ancient Greece was evolved a new type of State, the city-State or *polls,* as the ancient Greeks called it. Geographically, Greece is particularly favourable for such a growth. It is a land divided by sea and mountains-into innumerable islands and valleys, where peoples and communities lived a separate but not isolated life. This fact inclined the ancient Greeks towards an intense love of independence and liberty, which was one of the most important features of their political life. Moreover, as the ancient Greeks were not dominated by any organised religion and priesthood, their love of freedom was also expressed in a spirit of free enquiry in politics, philosophy and in all other fields of human interest. A spirit of free enquiry and search for Truth, Beauty and Virtue were important features of the ancient Greeks, which distinguished them from the other ancient peoples who were bound by the trammels of religion and custom, autocracy and despotism. The Greek city-State gradually evolved and changed from monarchy to aristocracy and finally to democracy, as in Athens.

The ancient Greek city-State was quite different from and a great advance upon the contemporary oriental empires of the ancient East. While the oriental empires were based upon the despotism of the ruler and the political and social conservatism of the ruled, the Greek city-State was based on the liberty of the individual and the free and equal participation of the citizens in the government which means democracy in the real sense. "It implied a direct and active co-operation in all the functions of civil and military life. A citizen was normally a soldier, a judge and a member of the governing assembly; and all his public duties he performed not by a deputy but in person". While the oriental empires failed completely to solve the fundamental problem of politics, viz., the problem of adjusting authority and liberty into a permanent governmental form, the Greek city-States achieved this end to a great extent and for a long time.

They were the first democratic States in the history of mankind, and, therefore, an example and a guide of political thought and practice down to the present day. This was "the glory that was Greece. For the first time in human history, the governed were not only the governed but also the governors. They were not merely subjects, the dumb and mute creatures of a despotic king or emperor, but also citizens, free and equal in all matters of State. That is why the ancient Greeks were the pioneers in political science and art and also in all other human endeavours. Their political life was based upon the maxim, as one of their dramatists, Euripides said: "He that has good advice to give to the city, let him come forward and speak". Indeed, the political writings and philosophies of Socrates, Plato and Aristotle and other Greek thinkers of ancient times were really the good advices' given by them to their fellow-citizens which we can even today read and think over, patriotism, love of liberty and independence, self-government or democracy and freedom of thought and intellect were some of the sublime features of Greek life.[28]

But even a good thing has its defects. The Greek city-States had also many defects and weaknesses, which were revealed in the course of

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[28] Against the background of the Asian absolutism, 'the Greeks appear extraordinarily' open-minded and clear-eyed. Somehow they have developed a faith in mind as the distinctive essence of man; they enthroned the power of reason by which man might hope to dispel mystery and order his own life, while this faith by no means excluded the supernatural, it enlisted even the gods in the service of a reasonable way of life. The Olympian demands ritual attention, but otherwise left their worshippers pretty much alone. In this relative freedom from priest craft the Greeks were able to cultivate their many interests, including science, philosophy, history as we know them Basic to all these was their free curious, and critical spirit. The unexamined life is not worth living', Socrates was to say simply—so simply that it is hard to realize how profoundly revolutionary this creed was (and still is). In political life the Greeks accordingly refused to deify their rulers and sought to rationalize authority. They developed their characteristic polis, a republican city-State. Although they might be misgoverned by oligarchies or tyrants, they always had some voice in their government and some recognised liberties. They were citizens, not subjects. Their primary duty was obedience to law no subservience to authority'. Herbert J. Mullen. The Loom of History, pp 25-26.

their history. Firstly, their love of liberty and independence, or patriotism, degenerated into constant rivalry and feuds among them. Classes and parties in every Greek city quarrelled with one another, while the cities also fought with the cities. They could never unite into a single Greek State. Their perpetual feuds and wars enabled at first Macedonian Kings and then Rome to conquer them all and destroy their independence. Secondly, Greek society and economy were based on slavery. Even the greatest minds of ancient Greece, like Aristotle, justified the exploitation and misery of the slaves, as necessary for the leisure and happiness of the free classes. Thirdly, although Greek democracy was direct, it was not universal. Citizenship was not universal. It was not for all but only for the free-born inhabitants of the city-State. The resident aliens, the slaves, and the women were not given the rights and liberty of citizenship. Naturalization was not known to them. Fourthly, the small size of the city States became, in the long run, a source of weakness. Their life was intense and active, but it became narrow and parochial. The self-government degenerated into misgovernment and enabled their powerful neighbours, Macedon and Rome, to conquer them all. Fifthly, the ancient 'Greeks, like the modern 'European and 'American nations, were "wanting in humanity". They regarded themselves as the only 'civilized people' and all other nations as barbarians, and, therefore, believed themselves to be a superior race-a very common trait of the Aryan race. Lastly, the ancient Greeks could not create a system of universal law and administration, as did the Romans after them.

5. The Roman Empire:

Ancient Italy, like Greece, was also dotted with a number of city-States, among which was that of Rome. Like the Greek city-States, Rome also began as a monarchy and then became an aristocracy, and a republic and, finally, an empire. By this transformation it repeated, to some extent, the history of despotism of the ancient oriental empires. But there were also differences between .the two. Unlike the oriental empires, the Roman Empire was, to some extent, a city-State writ large. The Roman ruling classes realised very early in their career of conquest and expansion that their vast empire thus they preserved only by extending the rights and privileges of citizenship to the conquered peoples also. So they were made citizens and not subjects. But they were given civil rights only and not political rights, which were reserved for the old citizens of Rome only. Another achievement of ancient Rome was her system of universal laws before which all citizens were equal. The Roman Law was based on the law of nature and of nations. The Romans also created a strong and firm administrative machinery. Thus they preserved peace and order over Europe, Asia and North Africa, called Pax Romana. It lasted for several centuries, which was in itself a great achievement. Trade and commerce, industry and agriculture flourished over vast territories of Europe, Asia and Africa under these conditions of universal peace. These achievements are the contributions of the Roman Empire to political science. They are, for example the Roman Law, the ideal of world peace and unity, international law and strong administration. But the Roman Empire type has also revealed certain weaknesses. They were the denial of political liberty, the destruction of local self-government, a soulless bureaucracy, heavy taxation, depraved ruling classes, slavery, religious persecutions, and irresponsible despotism. These weakness and deflects became the causes of the decline and fall of the Roman Empire.

6. The Feudal State:

From the ashes of the Roman Empire rose the feudal States of Medieval Europe. The feudal States were real estates, for feudalism did not know the meanings of Statehood. With the fall of Rome, the idea of a central authority and sovereignty vanished. The nobles and princes of the Germanic tribes carved out kingdoms and principalities of their own, big or small. But they did not possess absolute authority over their lesser nobles and princes. Instead of it, they created bonds of loyalty based on reciprocal rights and duties between the lord and his vassals. It was a personal relationship. The lord protected the vassal in the enjoyment of his fief or estate, for which the vassal rendered military service and paid economic dues to his lord. The lord was called a duke or a king or an emperor, as the case may be, but he did not possess absolute authority over his vassals or nobles. The feudal State was a son of loose aristocracy of the feudal barons and princes. The result was confusion and conflicts in law and authority, therefore absence of both unity and sovereignty.

The feudal State was a class society, divided into two classes: the class of the ruling nobility who possessed all lands, and the class of the down-trodden serfs and peasants who tilled them. Every noble possessed at least a village as his fief; all the peasants who lived in the village were his serfs. Feudal relations existed between the noble and his serfs. He was to protect them while they were to cultivate his lands and provide him with food and clothes, etc. They could not leave his village, nor marry without his permission. So feudalism did not grant liberty to the individual nor created unity in the State. It did not know common citizenship or central authority. It was based on personal loyalty and allegiance to the immediate lord. At the end of the Middle Ages in Europe, feudalism changed, when one of the feudal chiefs, dukes or Kings, became strong and subdued other noble and lords. In this way he transformed the feudal estate into a State. This change destroyed the medieval, feudal State and created the modern national State.

7. The Nation State:

A nation State is a new type of State. It is based on the bonds of nationality, such as common religion, language, customs, common aspirations, etc. and is strengthened by national boundaries. It led to the growth of international law, which recognises the sovereignty and equality of all nation States, big or small, weak or strong.

Since its advent in the 15th-century Europe, the nation State has assumed several distinct forms. They are, briefly, absolute monarchy, representative democracy, colonial empire, fascist dictatorship and, now in some parts of the world, a communist State.

(i) ***Absolute Monarchy:*** The first form of the nation State was monarchical. It was based on the absolute authority of the king. It existed, broadly speaking, from the middle of the 15th century to the end of the 18th. Social and economic factors which contributed to its rise were the decay of the medieval Church and religion, the spread of the New Learning, called the Renaissance, and the rise of the mercantile bourgeoisie or the middle classes who hated the social and political disturbances and quarrels of .the feudal barons. These causes led to the growth of national consciousness of the people who rallied around the king against the feudal nobles, in order to consolidate and strengthen national unity, peace and prosperity. Political thinkers, like Machiavelli, Bodin, Hobbes and others, also supported the cause of royal absolutism in their writings. Some of them went so far in their support of the absolute power of the kings as to expound the theory of divine rights of kings-even to rule wrong. Absolute monarchies came into being first in England, Spain and France and then in other countries of Europe. The power of the king was based on the national army and the monopoly in the use of gunpowder, which destroyed the power of the feudal armies of the ironclad horsemen, armed only with swords and spears. The authority of the king was supported by the wealthy burgess classes of the towns and cities and the national system of taxation. The king's courts crushed the lawlessness of the feudal barons and their followers and the king's men maintained "king's peace" against them. The people welcomed the strong government of their kings, because it granted them peace and security against the feudal trouble makers at home, and national independence and sovereignty. Roman Law which also thought of the doctrine that law was the will of the king and that all States were equally independent and sovereign.

(ii) ***National Democracies:*** Economic and political causes led to the emergence of the democratic nation-States, first in England and then in France and other 'countries of modem Europe. The important economic cause was the Industrial Revolution which transformed industry, commerce and agriculture and created a new and growing class of factory workers, small agricultural farmers, petty shopkeepers and the like. As these classes

acquired wealth and education, they demanded new and more political rights and privileges. This led to the conflict between the absolute king and the people. In England, this conflict took the form of a constitutional struggle between the absolutism of Stuart kings and their Parliaments who championed the cause of the people. But in France it took the form of the violent political struggle, the French Revolution of 1989, which ended in the overthrow of the absolutist Bourbon monarchy in France. Other European countries, like Germany, Italy, Russia, followed the same transformation from monarchy to democracy in a more or less violent, revolutionary manner. Thus national democracies were established in the form of constitutional monarchies or republican democracies in all European countries by the end of the 19th century.

The chief political characteristics of the democratic nation-States are the representative form of government, universal adult franchise, popular sovereignty, strong nationalism, and the civil and political rights and liberty of the individual. In other words, it is based on self-government and individualism. In the economic field, the growth of the national democracy was characterized by the policy of laissez faire or non-interference by the State in economic affairs and undertakings and the individual's freedom of the economic enterprise and profit. The policy led to the tremendous growth of capitalism and the concentration of wealth in the hands of a small class. The social characteristics of the national democratic State are the equality of the individual before law, the tendency to abolish social, religious, racial and other inequalities among the people and further growth in national feelings and sentiments of unity and solidarity. But the most prominent feature of the modern democracies is their imperialist expansionism and exploitation, which resulted in the emergence of a new variety of the modern State, viz. The Colonial Empire.

Future of the State:

We have traced the evolution of the State from the remotest past to its latest development. But the process of its evolution has not come to an end. It is still going on, perhaps more furiously than ever before, as is indicated by the global struggles between the Western national democracies and the communist States and in the new national democracies and the communist States and in the new nation-States in East. Nobody today can predict what form the State will finally assume in the future, say, a generation or two hence i.e., in the twenty first, century. We can, however, refer briefly to the various changes and struggles in and between the States at present. ***Attitude towards the State.***—In the remote past, the State was worshipped as divine. Then it came to be regarded nothing more than a contract between the ruler and the ruled. In the middle of the nineteenth century, it was, at best, considered a necessary evil and at worst abhorred. It was asserted that its powers and function must be confined to as few and necessary tasks as possible. But today, after a century, the attitude towards the sate has completely changed. Instead of the Individualism of the 19th century that opposed the extension of the State functions, there is now a growing demand for increased activity and functions of the State in various spheres of national life, such as industry, agriculture, education, public health, trade, markets, etc.

State and Liberty of the Individual:

We have surveyed several types of States. The structure of each State is determined by the way the authority of the State and the demand for the liberty of the individual are adjusted. We have seen that some types of States do not recognise the demand for the liberty of the individual. They are the ancient tribal States, the ancient oriental empires, the medieval feudal State and the modern fascist dictatorships. The first State which was built on the conscious attempt to embody the principle of the liberty of the individual was the ancient Greek city-State. But it failed to build a permanent and stable union between authority and liberty. The political theorists, who advocate modern democracy, assert that the modern national democracy, with its representative, responsible form of government, has been the most successful and stable institutionalization of authority and liberty. It is believed that its combination of local self-government and national representation makes possible an adjustment of liberty and sovereignty which may serve the interests of both the individual and the society. But this claim is not fully justified by facts. Many problems of the relationship between the State and the individuals and other associations still remain to be solved. Here, again, we observe two tendencies, one to enhance authority and power of the State, and the other to increase the liberty of the individuals and associations. There are some who demand strong government to provide efficient administration even at the expense of democracy and liberty of the individual. The demand has led to the communist proletarian dictatorship in the extreme, and the welfare State to lesser extent. The communist State is an experiment to give economic and political control of the State to the working classes. The welfare State is an experiment to share the benefits of the economic and political activities of the State with the working classes.

Nationalism versus Internationalism:

Yet another problem which confronts the modern State and its future, is the two opposite tendencies of nationalism and internationalism .The problem has arisen due to several reasons, viz., the subjugation of the under-developed countries by the industrially advanced colonial empires of the West; the internationalistic tendencies of certain political philosophies, such as socialism and communism; and, above all, the international trends of modern science, technology, industry and thought. They are knitting the nations and countries of the whole world into a single unit, and promote the interdependence of the national and countries of the world. On the other hand, the tendency towards nationalism and national independence has been given a fillip by the recognition of the right of self-determination of people. Many new nations have achieved independence and self-government on the basis of this right in recent times in Europe, Asia and Africa. Nationalism and internationalism are powerful influences which often pull in opposite directions. Nevertheless, future alone can tell whether or not these two divergent tendencies in the world politics would ultimately lead the world to world-State or world federation based on national units. If so, it is quite possible that with the establishment of the world State; the State may begin to wither away, as it has been prophesied by the Anarchists and Communists. This view is based on some sound reasons. A world-State would put an end to war and violence for all times. It will also reconcile the interests of all nations, which produce so much tension and animosity among them and increase the power, influence and functions of the modern State. With a world federation, war, arms race and aggressive foreign policy, aggressive foreign trade and many other causes of aggressive State policy would cease to exist. Such a culmination of the centuries-old evolution of the State would be the beginning of the end of the State.

Chapter 11

Theories of the Origin of the State

Since the dawn of political consciousness, men have always asked themselves: how did the State come into being? How has it developed? Thinkers have given us various explanations and theories about the origin and development of the State. The reason was the knowledge of the ancient history and society did not exist in the past. When historical knowledge fails, men resort to speculations. So the philosophers of old speculated about the causes and conditions in which the State originated. They expounded various speculative theories of the origin of the State. These are:

Theory of 'Divine Origin.
Theory of Force.
Theory of the Social Contract.
Patriarchal Theory.
Matriarchal Theory.
Evolutionary Theory.

Value of Speculative Theories:

Speculative theories are based on such arguments, generalizations, and inferences which critical examination has proved to be fallacious. But this fact does not lessen their utility for the students of Political Science. The first advantage of their study lies in the assistance they give us in understanding the truth. To examine and reject a fallacious theory is often a means of arriving at the truth. Leacock has rightly said: "The rejection of what is false in the speculative theories of the past will aid in establishing more valid conclusions on the residual basis of what is true". By discussing incorrect theories, we can discover the correct theories of origin of the State.

In the second place, the study of the speculative theories is useful in showing us the spirit of the times when they were first expounded by their advocates. Although we now believe them to be false, yet in their days they were believed to be true. They exercised powerful influence on the minds of millions of men and women and shaped political institutions in the

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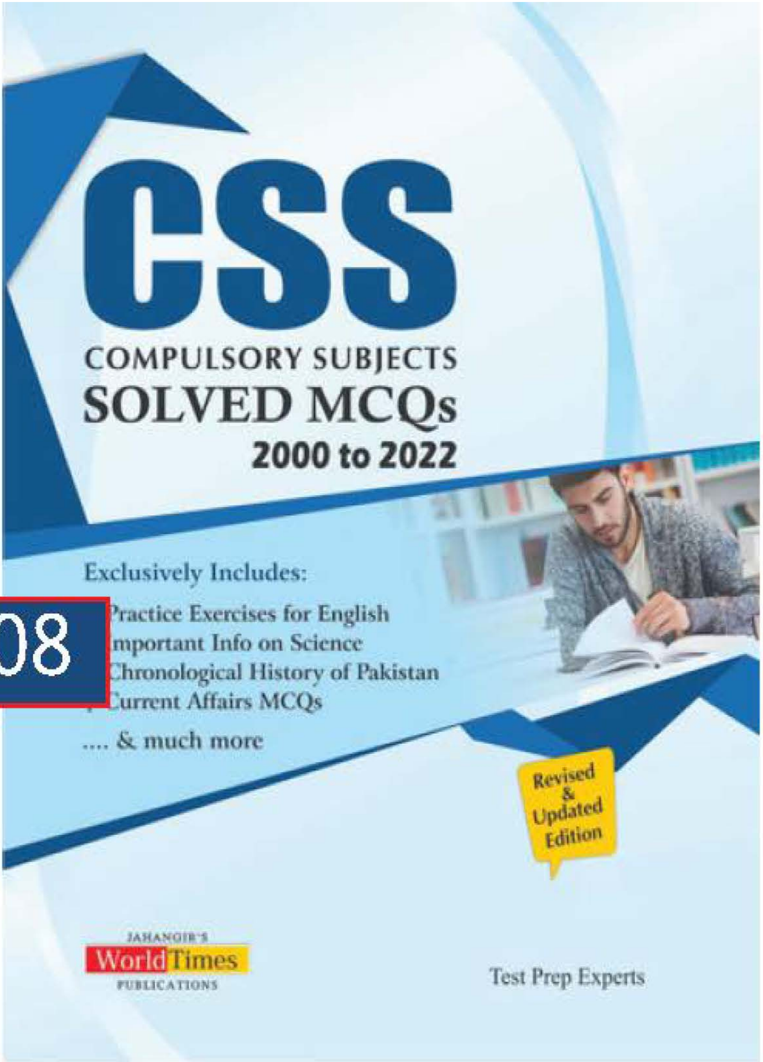
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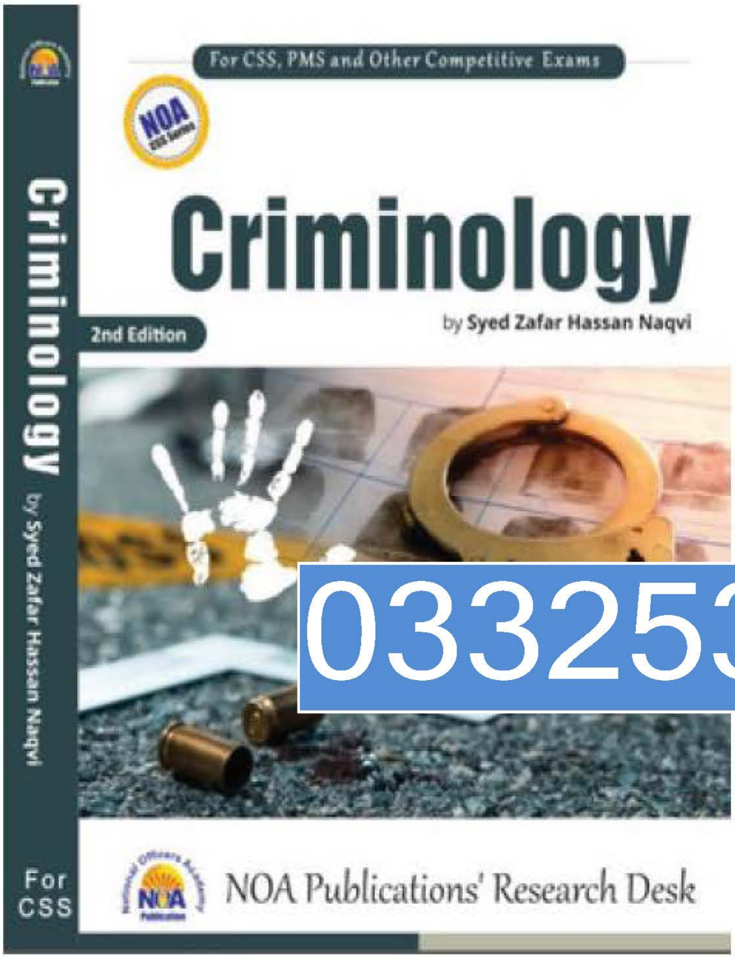
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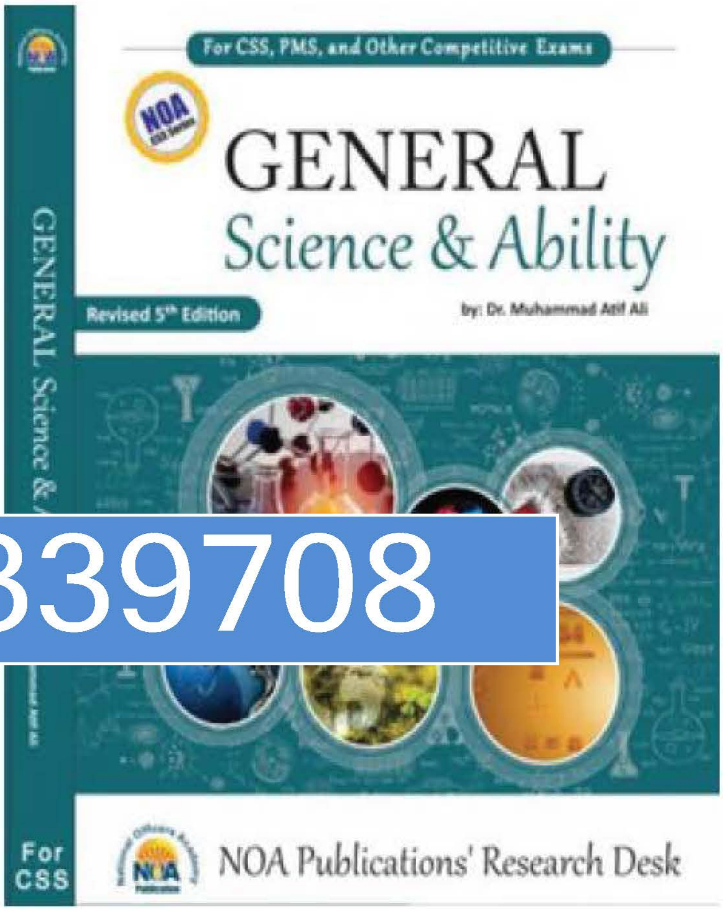
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day of their popularity and influence[29]. Their study will also enable us to understand the nature of the State and of the institutions which were established under their influence. They were the forces which shaped political thought and practice. They tell us about the people, their thoughts, beliefs, their environment and development. For instance, the Divine Origin theory will show us how despotic kingship was justified.

Its History:

The theory of the divine origin of the State is as old as political thought itself. In ancient times politics and religion were not separate. It was then believed that God created the State as He did everything else. He made certain persons kings to rule over others. In ancient times, in such countries as Egypt, the kings were both rulers and priests or god-kings. Later, the great religions taught the belief in the divinity of the kings and enjoined obedience to their authority and laws as of divine origin. In the middle Ages, it was believed that the kings were "the shadows of God on earth". In the early modern times, however, this theory assumed a new form: viz., the Divine Rights of Kings, as expounded by King James I of England and Sir Roberts Filmier, in his book Patriarchy (1680). But that was its last flicker. With the rising importance of the Social Contract Theory and the Age of Reason in the 17th and 18th centuries, the theory of Divine Origin lost its former appeal and influence. It became discredited and was discarded.

The Theory explained:

The theory of divine origin can be summed up in three basic ideas: the State is created by God; the kings are divinely appointed; they are answerable to God alone for their rule and to no human authority. In other words, the State and its laws are divine institutions. Therefore, to disobey the king is not only a crime but also a sin, because to disobey the laws of the State is really to disobey the laws of God. The king is the representative or vicegerent of God (or vicar of God, as the Christians in the Middle Ages used to say) on earth; or he was the "shadow of God on earth" as the Medieval Muslims used to call their sultans and emperors. The king is, therefore, responsible to God for his government. As he was chosen and appointed by God, he possessed superior wisdom and his acts were beyond human criticism and accountability. The people must obey the laws of the kings as blindly and unquestioningly as they obey God.

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[29] **Lord Keynes says. "The ideas of political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed, the world is ruled by little else".**

The Divine Right of Kings:

The theory of divine right of kings, as presented by King James I of England and Sir Robert Filmier, in the 17th century A.D. was the modern version of the age-old theory of divine origin. King James quarrelled with his Parliament because it claimed a share in the government of the country. He told his Parliament: "A king can never be vicious. Even if a king is wicked, it means God has sent him as a punishment for people's sins and it is unlawful to shake off the burden which God has laid upon them". Thus King James justified the divine right of the kings to do wrong and to be tyrants and oppressors of their people in the name of God. In his book, entitled True Law of Free Monarchy, King James wrote, "It is atheism and blasphemy to dispute what God can do, so it is a presumption and high contempt in a subject to dispute what a king can do, or say that king cannot do this or that, the Kings are breathing images of God on earth." The Stuart apologist, Sir Robert Filmier, showed in his book, Patriarchy, how the Kings had obtained divine authority. God created Adam and gave him supreme authority over Eve and their children. The paternal power vested in Adam by God Himself had passed by descent to the Kings and princes of Europe, because "present Kings are, or are reputed, to be next heirs to him". Thus Filmier endeavoured to justify the divine right of Kings to be tyrants by means of pseudo-historical myths of the Bible and primogeniture.

Criticism:

The theory of divine origin and its later offshoot, the theory of divine right of kings, do not require a serious refutation in present times. They are now universally discredited and discarded. The Kings are nowadays considered no more divine than the mendicants. The theory is, however, refuted on these grounds:

1. The State is a human, not a divine institution. Religion has undoubtedly played a part in the evolution of the State, but political authority cannot be justified on religious grounds. Reason rather than faith must explain the origin of the State, and the exercise of political power. The theory goes against human reason and experience. The kings cannot possess the divine right to do wrong. Moreover, we live in an age of evolution and science which shows us that every institution has its own laws of evolution and development. Religion cannot explain the operation of these laws. It deals only with things spiritual, which the State is not.

2. The theory supports reaction. It leaves the people at the mercy of a despot. It justifies misrule and oppression of the people by bad rulers. History is full of bad and vicious kings who justified their misrule by means of such a theory.

3. It is dangerous because it justifies not only misrule and tyranny of the kings but also engenders passivism and conservatism among the people. It was an attempt to check popular awakening in England and other European countries. In short, it ignores human effort and reason to develop and perfect the State and other political institutions.

4. The theory explains only the monarchical form of government. It tells us how the kingship began. But it throws no light on the origin of the republican and the other democratic forms of States. Even in respect of monarchies, its does not explain the whole thing. It does not explain such questions as the succession of a king by his son, the court intrigues, the place revolutions and the dynastic quarrels and the overthrow of one royal dynasty by an upstart dynasty of a successful rebel or of a victorious invader. For example, how can it say that the overthrow of the Mughal emperors by the Sikh rebels, the *Marhata Rajas* and British imperialists was ordained by God?

Nevertheless, it had some value in the past. It secured general peace and obedience in the troubled periods of early ages of human history. The kings of old checked anarchy, and protected life, property and government by claiming that they were divinely anointed and that their laws were the laws of religion or God. In those days only divine authority and divinely created laws and institutions could be obeyed by the people willingly and unquestioningly. It gave the State a moral basis; the king must be just and virtuous because God created the State for justice, virtue and morality.

THE THEORY OF FORCE

Statement of the Theory:

The theory of force has been advanced for two purposes: to explain how the State originated, and how it was maintained afterwards.

According to this theory, the State is a child of force, that is, of aggression, war, conquest and subjugation. In the primitive ages, a strong man or king, with the support of his warriors, subjugated the weaker men of his tribe and established the political relation of command and obedience. Hence the saying: "War begat the king". Such was the beginning of the State. A strong man enslaved the weaker men and became the chief of his tribe. A strong tribe subdued its weaker neighbours and founded a kingdom. The king of a strong kingdom conquered the weaker kingdoms around him and established an empire. The States are always fighting among themselves. History of mankind is nothing but an endless story of constant wars, invasions and conquests. Edward Jenks, in his book, A History of Politics, explains this theory in these words: "Historically speaking, there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare." He goes on to say that as population increased faster than wealth, pressure on the means of subsistence increased and forced man to improve the art of fighting or warfare to capture the wealth of others. 'The State was born", he says, "When a leader with a number of warriors had under him conquered a territory of considerable size. This happens when a leader becomes the ruler of his own tribe and conquers the neighbouring tribes and begins to rule over a large territory". For example, England was originally a country of Anglo-Saxon tribes, constantly fighting with one another. At last they came to be divided into seven kingdoms, called the Heptarchy. Wars continued among these seven kingdoms till at last one of them conquered all others and founded the kingdom of England, as we know it today. Several centuries later, the English kingdom enslaved several other kingdoms of the world and became the British Empire of the 19th century. Leacock also explains this theory in these words: "Historically it means government is the outcome of human aggression that the beginnings of the State are to be sought in the capture and enslavement of man by man, in the conquest and subjugation of feebler tribes and, generally speaking, in the self-seeking domination acquired by superior physical force. The progressive growth from tribe to kingdom and from kingdom to empire is but a continuation of the same process". President Woodrow Wilson says that war or the methods of blood and iron, has not only created great empires in the past and the present but "we shall see more of blood and iron methods in future".

According to this theory, the use of force does not end with the establishment of the State. Once it is established, force is till required to preserve it by maintaining law and order within the State, by suppressing internal disturbances and revolts and repelling foreign aggression. Coercive power is necessary to punish the lawbreakers and criminals and compel others to obey law and authority of the State. Thus, might becomes right and right is enforced by the coercive power of the State. In short, the Theory may be summarized as thus: the State is the outcome of human aggression in the past and is subsequently maintained, defended or destroyed by force, coercion and compulsion.

Criticism:

The Role of Force in the State. How far is the Force Theory- true? Bluntschli points out that it has "a residuum of truth since it makes prominent one element which is indispensable to the State, namely force and has a certain justification as against the opposed theory of Social Contract which bases the State upon the arbitrary will of individuals and leads logically to political importance". Force, in the sense of direct coercive power, was indispensable for creating and establishing the State in the past and is equally essential for maintaining and preserving it at present. The State is a society of individuals who regulate their lives and activities according to certain rules of life and under definite body of laws[30] Most of them submit to law and authority willingly or by habit. But there are always some individuals in every State who do not obey law except under compulsion or fear of punishment. Such are the criminals, the habitual law-breakers and the like. The use of force is necessary to compel or coerce them to obey the law and not to disturb public peace and the rights of others. Similarly the State requires force to preserve it against the disruptive elements within itself, suppress revolts against it, and also to defend it against foreign invaders and aggressors. It would be a great mistake to underestimate the importance of force in the evolution, maintenance and preservation of the State. Force is, therefore necessary to organise social life. It is in this sense that, as Bertrand Russel says, force or power is as necessary to politics as energy is to physics. This is what Laski means when he said, "it is the possession of this legal right to resort to coercion which distinguishes the government of the State from the government of all other associations". Woodrow Wilson has rightly said, "Government in its last analysis is organised force".

Its Defects:

The Theory" over-emphasizes the part played by force. It is, indeed, a mistake not to realise the importance of force in the evolution and maintenance of the State. But it is also a mistake to regard it as the only exclusive element, and not an element which brought the State into being and preserves it today. Force or coercive power, as Maclver puts it, is a criterion of the State, but not its essence. It is an instrument of State-action, not the State itself. This Theory overemphasizes the part played by war and violence in the development of the State, when it regards them as the sole factors in the building of the State. According to the Evolutionary Theory as described hereafter, there were several other factors and influences, like kingship, religion etc; they determined the evolution and emergence of the State and made it what it is today. The State must have the power to command and be obeyed, if it is to remain a State. But force alone will not enable it to last long. Use of sheer force for a long time will defeat its own purpose and boomerang in destroying the Rulers who relied on it alone. The truth is, as a French proverb says, "you can do anything with a bayonet except sit on it". As an old saying puts it, those who take up the sword shall perish by the sword. We come to this conclusion that though force is necessary, but it must be used as a medicine, and not as daily food. The use of force must be occasional and not regular. Moreover, even for a successful application of the force, other motives and factors besides the fear and force must be present. In simple words, force or might must be supported by right.

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[30] **Bosanquet an idealist philosopher, writes. "The State, as the operative criticism of all institutions, is necessarily a force". Cf. Philosophical Theory of the State. Ch. vi.**

Will, not force, is the basis of the State. Without force no State can exist and the sovereignty of the State ultimately rests on force. But the theory of force "errs in magnifying what has been only one factor in the evolution of society into the sole controlling force". Force alone will defeat its ends, because "force always disrupts—unless it is made subservient to common will". The authority of the State must be based on the consent of the people. This is the lesson of all the great revolutions in human history: of the French Revolution of 1789 and of the Russian Revolution of 1917. When a State ceases to be upheld by the consent of the people and makes too frequent a use of force, that is, of bullets and bayonets, it cannot long stay in power. It means, therefore, that not force but moral force and consent are the bulwarks of the State, the real bases of its stability and permanence. The English idealist, T.H. Green, has expressed this fact thus, "It is will and not force which is the real basis of the State". He says further, "It is not coercive power as such but coercive power exercised according to law, written or unwritten, for maintenance of the existing rights from external and internal invasions that makes a State."

Relation between Might and Right:

The exercise of force can be justified only when sanctioned by law and right. The State must ultimately base itself on right and enlist the conscious support of its citizens. Force exercised under law becomes authority or power; but without the sanction of law, it is sheer brute force, on which the State cannot last long. Might is not always right. Men have conflicting desires and often act conflictingly. Law defines the rights or the socially and legally recognized acts and desires. In this way might or force becomes the custodian and upholder of right and is thereby justified. Hence force exercised in this manner becomes the bulwark of the State and a guarantee of its stability. "Might without right", says, T.H. Green, "can at best be only temporary; might with right is a permanent basis for the State". It is good to have the strength of a giant, but it is tyrannical to use it like a giant. The State has the strength of a giant, but it becomes a tyrant if it uses it without the consent and will of its citizens. The ruler exercises sovereign power for the common good with common consent. As Laski puts it, if the State want "successfully to coerce, it must be able successfully to persuade".

The Principle of the "survival of the finest":

The individualists advocate the Force Theory on the principles of the struggle for existence and the survival of the fittest. In the animal world, the struggle for existence is perpetually waged for food and self-preservation. In this struggle, the strong animal succeeds in snatching food from the mouth of the weak or by killing them and thus survives, while the weak are killed. The Individualists assert that the same kind of struggle goes on in human society The State should not interfere in this struggle to protect the weak against the strong, the poor against the rich, the invalid against the healthy, or the unintelligent against the intelligent. If it would do so, it will weaken the society because it should become the nation of the weak, the invalid, the unintelligent and the like. But the struggle for existence in the society is a struggle between ideas and beliefs, institutions and customs. They do not survive because they are stronger, but because they meet the needs of the people or of truth. It is not necessary that only strong men would know or discover new truths and better ideas. The intelligent man may not necessarily be a strong man. Many great men are often weak in body but strong in mind. It is, therefore, a duty of the State to protect the weak, and the handicapped and offer to all persons equal opportunities for education, development and happiness. The laws of social life are different from the biological laws of the jungle life. The Individualist thinkers by making the two identical would reduce social life to the level of the animal life.

Lastly, the Theory of Force is dangerous and mischievous. It regards might as superior to right. It proclaims the submission of the weak to the strong as a universal law of human life and thus makes it a basis of absolute despotism. It justifies the utilization of the national resources of a State for war preparations with a view to conquering others. It denies the liberty of the individual and the sovereignty of the people, because it emphasises the difference between the weak and the strong, the slave and his master. It asserts that force and command make the laws. But the fact is that reason and truth make the laws.

THE THEORY OF SOCIAL CONTRACT

History of the Social Contract Theory:

The theory of social contract is as old as political speculation. Ancient Greek philosophers, Plato and Aristotle, discussed it, but only to reject it. The Greek moralists and Roman jurists also deal with this theory. After the fall of Greece and Rome, however, the social contract theory lost its appeal and was put, so to say, in the cold storage of ancient books. For more than a thousand years, no one paid any attention to political philosophies. It was the age of religion, when men's eyes were fixed on the heavens and on the next life and not on this world. The heyday of the social contract theory was in the early modern age, i.e., during the 16th, 17the and 18th centuries, when the great controversy between the freedom of the subject and the authority of the king began and when Man was awakening from centuries-old slumber of political life. During the 16th-18th centuries, this theory had a universal appeal and was widely believed. Its numerous supporters and writers put forth many versions of this theory. Three of them-Hobbes, Locke and Rousseau-have achieved great fame and are today considered as its chief exponents. They are the representatives of its diverse expositions. After the French Revolution of 1789, this Theory was discarded, for reasons described hereafter.

A general statement of the Theory:

Social contract theory aims at the explanation of the origin of the State and its jurisdiction. As regards the evolution of the State, this Theory demarcates three stages, viz: a State of nature, a social contract and lastly, the civil society or the State. Its fundamental assumption was that the past history of mankind was divided by the contract into second after it, when the State was established by the contract. Thus the Theory presumes the following three stages, viz:

1. A state of nature,
2. The social contract, and
3. The civil society or the State.

In the first period of human existence, man was found in the "State of nature", when he was uncontrolled by any law of human imposition. He was guided by such regulations as nature itself prescribed for him. They are called laws of nature or natural laws. They were written nowhere. Man has also some natural rights, but they were no more than his natural power. Some writers assert that the State of nature was pre-social, that is, it was prior to human society; while others are of the opinion that it was pre-political, that is, it was a society but without any political organization or State. They also do not agree as to what kind of life man lived in the State of nature. According to some writers, it was a condition of "ideal innocence and bliss", whereas according to others, it was one of "wild savagery, "where might was right. Whether the State of nature was too good or too bad, all social contract theorists agree that men decided to contract out of it.

When the men of the State of nature were compelled to leave it, they entered into a voluntary but mutual agreement or contract to put an end to their lawless condition and establish a State or civil society. Logically speaking, there must by two contract: a political or social contract to organise the society or State, and a governmental compact to set up a government. But the social contract theorists are not explicit on this point.

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Anyhow, as a result of the contract, the individuals gave up their "natural" isolation and joined into one civil society or State. Each individual now submitted himself to the joint control of all and was protected by all against the possible rapacity of any other. Human law now takes the place of natural law. Social duties are imposed upon all and social rights are granted to them.

Sharp differences of opinion prevail among all the social Contractualists, as the writers of this theory are called, regarding the terms and parties of the contract, the nature and extent instituted by it, and on all other points of the theory. But all are unanimous on one essential conclusion, namely, that the State is the result of a contract and is, therefore, a deliberate human citation.

THOMAS HOBBES (1588-1679)

Hobbes was an Englishman who lived at the time when his country was passing through the turmoil's of a civil war. He thought that only an absolute monarchy-could restore peace and order in his troubled country. He adopted the current theory of social contract in his book "Leviathan' (1951) in which he advocated the establishment of a strong and absolutist government to maintain law and order.

Hobbes on the "State of Nature":

Hobbes begins his theory with the State of nature. His conception of it was pre-social, and he based it on an analysis of human psychology. According to him, man was essentially selfish, egoistic and self-seeking. The sole motive of all his actions was the satisfaction of his own desires and appetites at the expense of others' desires and needs. He did not know pity or compassion. His dealings with other men were not ruled by reason or intellect but were characterized by competition, diffidence or distrust and selfish love of power. From this analysis of human nature, Hobbes concluded that man was not a social being; indeed he finds "nothing but grief in the company of his fellows". All men were equally selfish, self-seeking, cunning, covetous, brutal and aggressive.

Having painted human nature in such a dark colour, Hobbes gives us an equally dismal description of the "State of nature". It was, he said, a State of unceasing strife, a condition of war of every man against very other man— "where every man is enemy to every man". It was not a war in an organised sense but a perpetual struggle of all against all, caused by competition, diffidence and love of power and glory. And there was no common power or authority to bring it to an end. Consequently there was, in the State of nature, no distinction between right or wrong, justice or injustice, because the rule of life was, as Hobbes says, "only that to be every man's that he can get; and for so long as he can keep it". Obviously, such a condition of life was a State of "continual fear and danger of violent death", and, as Hobbes adds in his pithy style, "the life of man was solitary, poor, nasty, brutish and short".

Hobbes, however, recognizes that even in the State of nature men had a sense of the laws of nature. These laws were: to seek peace and follow it; to relinquish the right to all things, which being retained, hinder the peace of mankind; to "perform their covenants made". Man also enjoyed natural liberty and natural rights, one of which was the right to self-preservation, and another was to take whatever one liked. But natural rights were really natural powers. Yet one man's powers were unequal to the greater strength or greater cunning of others. Therefore men did not possess any security of life and property in the natural State: hence the perpetual fear and danger to life and property in the natural State. The perpetual fear and danger to life and property compelled man to make an agreement to put an end to the conditions of perpetual strife among-them and establish a common authority or civil society.

The Contract:

With the precision of a lawyer, Hobbes mentions the exact terms on which every man entered into a mutual agreement or covenant with all others in these words: "I authorise and give up my right of governing myself to this man, or to this assembly of men on the condition that thou givest up thy right to him, and authorise all his actions in like manner".

The State and the Sovereign:

After defining the terms of the contract, Hobbes adds with evident jubilation: 'this is the generation of that great LEVIATHAN, or rather, (to speak more reverently) of that Mortal God, to which we owe under the Immortal God, our peace and defence. 'Thus the State is created. Men have completely and unconditionally surrendered their natural rights to some particular man or assembly of men, who thereby become the sovereign while the covenanting individuals become his subjects. The contract is between the covenanting individuals, who have agreed among themselves to submit to the authority of the sovereign. The contract is not between the subjects and the sovereign. It is not a governmental compact and, therefore, can never be violated, no matter what the king or the ruler does.

Hobbes, Theory of Sovereignty:

On such conditions and consequences of the social contract, that Hobbes based his theory of absolute sovereignty. The sovereign's power is absolute because it is not held "on condition." There could be no condition because the sovereign was not a party to the contract at all. On this ground also, sovereignty is inalienable and indivisible. The sovereign is also unpunishable. The sovereign alone has the power to make law which is not a counsel but a command. The sovereign is the sole judge of what is right or wrong and what is necessary for the people to believe and what doctrines are fit to be taught to them. He has the right to make war or peace, appoint judges and officials of the State and to confer honours and give punishment as he likes.

This is, in a brief outline, Hobbes's theory of social contract. It is, as Leacock says, "a bold defence of absolute monarchy, the philosopher appearing as the theoretical apologist of the Stuart despotism."

Appreciation:

Hobbes has exercised a great influence on political thinkers, as, for example, on the German philosopher Hegel and his own countryman, the jurist John Austin. His theory has certain merits. It is a correct theory of legal sovereignty and rights. As Pollock says, "Hobbes defines legal sovereignty and legal obligation with admirable strength and precision." Moreover, Hobbes has been aptly described as a philosopher of discipline. He was so filled with the desire to maintain peace and order in human life that he went to the extreme of justifying despotism by an absolute king or ruler. He skilfully turned upside down the theory of social contract, which was really a theory of free consent and voluntary association, into a theory of absolute power and unconditional obedience. Once you admit the premises on which he bases his arguments you irresistibly draw the same conclusions as he did. His logic is unassailable, though his politics is unsound. His theory is correct to that limited extent he intends to use it, but it is unacceptable in the larger context of a true philosophy of the State which his restricted outlook on the nature of the State could not properly and accurately visualize.

Defects:

1. **Fear cannot alone be the basis of the State.**

According to Hobbes, fear is the psychological basis of the State. It was the fear of others and of immediate death which, so to say, drove the men of the natural State into a mutual agreement and civil society. But it does not appeal to common-sense, as Locke said afterwards, that these men, who were after all nearly equal in strength and cunning, should willingly put their necks under the heels of an absolute master with unlimited authority over them. How could the cats agree that owing to their mutual fear, they should be ruled by a lion?

2. His analysis of human nature is also unsound.

Hobbes describes human nature in such dark and dismal colours that it is unreal and untrue. Man is not so inherently selfish, aggressive and self-centred, as he describes him. Man is selfish, yet he is also a social creature. He feels sympathy towards others and has also altruistic tendencies. Love, sympathy and compassion are natural to him. Moreover, there is still another weakness in the psychological analysis of Hobbes. If human nature is as selfish, aggressive and anti-social as he describes it, how can it be so suddenly transformed by a contract within a single day? How can Hobbes explain that the savages of the State of nature become saints in civil society within a day? Such psychological and social changes of character and conduct do not occur so rapidly in our work-a-day world: and if they do occur at all, they take a whole lifetime of struggle and discipline and training. Hobbes's psychology is as defective as his politics. Either his social contract was not a single act, or it must have extended over ages, which mean it was not a 'contract' at all, but a painfully slow and laborious process of social evolution in human history. Looked t from any angle, whether as a fact or a fiction, Hobbes's view of human nature is false, because it is one-sided and incomplete.

3. Hobbes also twisted the meaning of the word "contract".

A contract is always between two parties. But Hobbes's contract was one-sided or unilateral. The sovereign is not a party to it, nor is it binding on him. Hobbes has deliberately done so, in order not to make it binding on the sovereign whom he wanted to possess absolute powers, and also to make it irrevocable by the subjects. But such a unilateral contract does not appeal to human reason, even to the reason of the men of the natural State who were, according to him, so selfish, aggressive and cunning.

4. Hobbes is inconsistent in describing the terms of the contract.

At first he says that men completely surrendered all natural rights to the sovereign when they entered into a covenant among themselves. But subsequently he asserts that they have retained the natural right of self-preservation, and self-defence. There could not be a complete surrender when something is still preserved in the contract. Even the complete surrender of rights docs not appeal to common-sense. The conception of the natural rights is also false.

5. Hobbes's legal theory of rights and sovereignty is also one-sided.

It does tell us something about the nature of the State, but not the whole of it. It tells us that rights must be recognised by the State, but it does not inform us why and when they should receive such recognition. It tells us what rights have been granted by the State in the past, but does not enlighten us as to what rights must be granted in the future. Hobbes further says that law is the command of the sovereign. But this does not explain the real nature of law. Laws are really made by the people and not by the sovereign; they are merely formulated by him. The source of laws is the people and not the sovereign. They embody the will of the people and not the will of the sovereign. Nevertheless, the juristic theory of sovereignty, rights and laws had enabled Hobbes to make the sovereign's power absolute which was, indeed, the real purpose of his theory of social contract.

JOHN LOCKE (1623-1704)

John Locke, another English philosopher, expounded his social contract theory in his book, "Two Treatises on Civil Government" (1960), as a defence of the constitutional monarchy which the Glorious Revolution of 1688 had established in England.

Locke on the State of nature':

Locke does not paint a dismal picture of the State of nature. It was not, as Hobbes held, a State of war and misery. On the contrary, it was, as Locke says, one of "peace, good-will, mutual assistance and preservation". Men enjoyed freedom and equality in it. Each lived according to his own liking. Unlike Hobbes's natural man, Lockes' man in the State of nature was not selfish or aggressive, but social and sympathetic. His attitude towards his fellow-men was that of reason and justice. Natural freedom was not licence, because the State of nature was ruled by the law of nature, which was the law of reason and justice. "Under this law", writes Locke, "of which reason is the interpreter; equality is the fundamental fact in man's relation to one another". Moreover, man possessed natural rights in the State of nature, based on the law of nature. These rights may be summed' up under three heads, namely life, liberty and property. 'Reason which is that law, teaches all mankind who will but consult it. That being all equal and independent, no one ought to harm another in his life, health, liberty or possessions". Here, again. Locke differs from Hobbes, according to whom the law of nature was one of self-preservation. This shows clearly that Locke's State of nature was a pre-political condition of human life and not pre-social as that of Hobbes.

Although the State of nature was a condition of peace and reason, yet a few inconveniences were experienced in it. They were three in number: (1) The law of nature was not defined clearly, because the interest as well as the intelligence of each man differed from others, and each interpreted the law of nature as he liked. (2) There were no competent, impartial and known judges to interpret the law. (3) There was no common authority to enforce it. That is the reason why once a dispute began in the State of nature, if it could not be put to an end. So, although the State of nature was not a State of perpetual war, as with Hobbes, it was, however, "full of fears and continual dangers", and man's enjoyment of natural rights was "very insecure". This necessitated the institution of civil society or State in order to remove the inconveniences and insecurities of the State of nature.

The Contracts:

Although Locke did not state it explicitly, yet he impliedly said that there were two contracts. The first contract established the political society or State, and the other the government. According to Locke, each individual, finding the State of nature intolerable owing to its inconveniences, entered into a contract. He agreed with all other individuals to give up his natural right of executing the law of nature and punishing offences against it. But he did not give up all his natural rights, as Hobbes asserted. Moreover, the natural right was given not to a man or assembly of men; as Hobbes said, but to the community as a whole. Locke described it in these words: There and there only is political society where every one of the members has quitted the natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it. This society thus becomes, by the act of individuals who form it, vested with the functions of determining as to what are the offences against the law of nature and punish violations of that law".

After establishing the State, the people entered into another contract, this time with the rulers-the legislature. This is the governmental compact. Locke describes it thus: 'The legislative power, constituted by the consent of the people, becomes the supreme power in the Commonwealth, but it is not arbitrary. It must be exercised as it is given for the good of the subjects. Government is in the nature of a trust and embraces only such powers as are transferred at the time of the change from a State of nature". The power of the government is limited to the condition that it is exercised to carry out the "established known laws," applied by impartial judges.

Locke's theory of limited sovereignty and right of revolt:

Locke's contract is a limited contract: for the individual surrounded only part of his natural rights. The power of the State is, therefore, limited; the government cannot exercise unlimited powers, as Hobbes's sovereign did. As a mutter of fact, Locke did not even use the term "sovereignty" in his book. Instead of it, he used the term 'supreme power of the legislature'. The idea of absolute, unlimited and inalienable sovereign power was alien to him. As he himself says, 'The legislative power constituted by the consent of the people, becomes the supreme power in the commonwealth, but is not arbitrary. It must be exercised as it is given, for the good of the subjects. Government is in the nature of a trust and embraces only such powers as were transferred at the time of the change from a State of nature. The legislature cannot transfer its power to any other person or body. It is but a delegated power from the people, who alone can depose it or a. So, behind the 'supreme' legislature stand the people or community as final embodiment of power. If the legislature or government betrays the trust, the people can depose it. 'The community perpetually retains a supreme power of saving themselves from the attempts and designs of anybody, even of their legislatures, whenever they shall be so foolish or so wicked as to lay and carry on designs against the liberties and properties of the subjects". Thus Locke defended the people's right to rebellion, which is the basis of this theory of limited sovereignty. Thus Locke justified the glorious Revolution of 1688 in his country, which ousted the autocratic Stuart kings from power and established Parliament as the sovereign power in England.

Criticism of Locke's Theory

Merits:

Locke's theory has several merits. As H.J.Laski pointed out, Locke is a philosopher of consent. His theory of consent has now become a basic principle of the English and American political philosophy. For this purpose he distinguishes the State from the government. The government derives its power and authority from the consent of the people who are ultimately the sovereign. Locke, therefore, emphasizes that "the sovereignty of the State is not the sovereignty of a ruler and that "the will of the State may limit the will and actions of a ruler". Locke thus gives us a theory of limited sovereignty or constitutional government. Hobbes made the sovereign absolute, but Locke recognised the fact that there is a power behind the throne, that the exercise of sovereignty ultimately depends upon the consent of the people who obeys it. For Hobbes the sovereign is the State, but Locke clearly distinguishes the government and the sovereign who is the people. The government is a trust and its authority must be employed to fulfil the purposes for which the civil society or State was established. In case it fails to do so, the people have the right to depose it and appoint a new government. The real difference between Hobbes and Locke lies in the reason that Hobbes gives us a theory of legal sovereignty, and does not recognise the existence of political sovereignty, while Locke emphasises the powers of the political sovereign without recognising those of the legal sovereign.

Another contribution of Locke to Political Science is his theory of natural rights. He considers life, liberty and property as inalienable rights of every individual. The end for which the State was established is to secure these natural rights. Although the concept of natural rights is misleading, yet to base rights on the nature of man is justifiable.

The main defect in Locke's theory is that he ignored the concept of legal sovereignty. He also failed to see that revolution, however desirable, is never legal.

J.J.ROUSSEAU (1712-78)

The third great exponent of the social contract was the French philosopher, Jean Jacques Rousseau. He was by birth a Swiss, but adopted France as his country. He lived in the pre-Revolutionary Eighteenth-Century France, then ruled by the absolutist Bourbon Kings Unlike his two English predecessors, Hobbes and Locke, Rousseau had no political axe to grind—no rebellion to condemn, and no revolution to commend, but while the political philosophies of the Englishmen did not bear much fruit in the future, Rousseau's writings inspired the great French Revolution of 1789. He presented his theory in two books, namely, A Discourse on the Origin of Inequality and The Social Contract (1762).

Rousseau on the State of nature:

Rousseau was a great but not a consistent thinker. He too began his theory with a description of the State of nature, but only "because the entire world was thinking and talking about it". His views on the State of nature are found in his Discourse on the Origin of Inequality. Like Locke, Rousseau believed that man lived a free, happy and peaceful life in the State of nature. It was an idyllic condition. But two things put an end to this happy existence. One of them was the growth of population, and the other was the origin of private property, which divided men because they began to think in terms of mine and thine. With these development peace, equality and freedom of the State of nature were gone, and in their place war, murder, disputes and quarrels broke out among men. They however, escaped from this miserable existence only by entering into contract and instituting a civil society.

The Contract:

In his second and more famous book, 'Social Contract, Rousseau does not concern himself with the question of the State of nature. He begins his book with these memorable words: "Man is born free, but is everywhere in chains". It means that man lived free in the earlier natural State but is now everywhere bound by the laws and customs of civilised life. The problem is how to justify the obedience of these laws. Its solution lies in substituting natural freedom by civil freedom. But the problem is deeper still, that is, how to harmonise the absolute freedom of an individual, which he enjoyed in the State of nature, with the absolute authority of the State which he must obey now. For this purpose, one has "to find a form of association which may defend and protect, with the whole force of the community, the person and property of each associate (i.e. citizen) and, by means of which, each uniting with all, may nevertheless obey himself and remain as free as before". This is the paradox of freedom. The problem is solved by the social contract. The contract which created the civil society or State is, according to Rousseau, as thus founded: "Each of us puts into a single mass his person and all his power under the supreme direction of the general will, and we receive as a body each member as an indivisible part of the whole". As in Hobbes's theory, so in Rousseau's, the individual surrenders his all, but, unlike Hobbes, he surrenders not to a single person or body of persons but to the whole community. Rousseau's contract, like that of Locke, makes not one person but the whole community sovereign.

Rousseau's doctrine of General Will and Popular Sovereignty:

The individuals surrendered completely and unconditionally their natural freedom and powers to the community as a whole, which became, thereby, the sovereign body. The body so created is a moral and collective body, because it is under the general will, that is, the will of the whole community. The general will is sovereign. It is sovereign because,, firstly, it is created by the free act of those who entered into the contract and have surrendered their individual wills and interests to the supreme direction of the general will, and, secondly, because it is the custodian of the interests of all and aims at the common and collective good of the community as a whole. The general will always aims at the common good and it can never err. It is supreme over all individual interests. Hence Rousseau proclaims that the sovereignty is absolute, unlimited, inalienable, indivisible and infallible. From these attributes of the general will and sovereignty of the community follow some startling conclusions regarding the liberty of the individual.

According to Rousseau, the individuals have surrendered all their rights and have surrendered them not to one person but to the whole community. This complete and unconditional surrender ensures the equality and liberty of all, and also of the life and property of each individual. As Rousseau puts it, "Since each gives himself up to all, he gives himself to none, and as there is acquired for every associate the same right that is given up by himself there is gained the equivalent of what is lost with greater power to preserve what is left". Such an explanation of liberty and equality is both simple and subtle, and writers have since discussed what Rousseau really meant by it. It is, however, one of the paradoxes in which he loved to express himself. What he meant by it was that men in the State continue to enjoy the same degree of equality and freedom as they did in the

State of nature. They have merely exchanged natural equality and freedom for civil equality and freedom.

But Rousseau's paradox of liberty does not end here. He goes on to say that no individual can justifiably disobey the general will. By obeying the general will, the individual really obeys himself, because he has created it. When he disobeys the law which is the expression of the general will, he really, disobeys himself, and when he is punished for it, he has himself ordered his punishment. Real coercion is not possible in society. When a criminal is punished, he has willed it himself. Coercion is only another aspect of freedom. Rousseau expresses it thus, "In order then, that the social compact may not be an empty formula, it tacitly includes the undertaking that whoever refuses to obey the general will, shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free".[31] Thus Rousseau declares that by obeying the sovereign unconditionally and unquestioningly, the individual becomes really free. The general will is always right. Rousseau emphasizes that "what is not right is not the general will" In this way he subordinated the individual to the State.

Influence of Rousseau's Theory:

Rousseau was a philosopher of revolution against arbitrary rule, and a preacher of political democracy and popular sovereignty. He exercised great influence on political thought and events, especially of France, Germany and America. Rousseau's revolutionary philosophy proclaimed, firstly, that all men are by nature free and equal; secondly, that the authority of government is based on a contract freely entered into by the equal and independent individuals; and, thirdly, that the people are the sovereign. This philosophy inspired the French revolutionaries, who embodied it in the Declaration of the Rights of Man (1789), and also influenced the American framers of the Declaration of Independence (1776). Furthermore, Rousseau was an admirer of direct democracy of the ancient Greek type. He emphasized that the people alone should be the law makers. We find his influence in the adoption of the methods of direct legislation by the people, e.g., the referendum and the initiative in such countries as Switzerland, etc. Popular sovereignty, the ideal of consent, and direct legislation by the people were revolutionary teachings in the days of the absolute kings, and led to the French Revolution of 1789."[32]

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[31] *Social Contract.* Book I. Ch. p. VII

[32] **Dunning comments that Rousseau's spirit and teachings: however disguised and transformed, are seen everywhere both in the speculative systems and in the governmental organizations of the stirring era that followed his death.' A History of Political Thoughts, from Rousseau to Spencer. p. 30.**

Criticism

Merits:

Rousseau distinguished clearly between the State and the government. He expounded a theory of popular sovereignty. He is the father of modern democracy. He tries to reconcile the absolute authority of the State with the absolute freedom of the individual. He demonstrated one great political truth:

that the authority of the government is finally based on the consent of the governed and that will not force, is the basis of the State.

Defects:

Rousseau's philosophy also contains certain defects and paradoxes. He makes no distinction between the State and society, a defect which is found in all idealistic thinking. His main defect, however, lies in his explanation of the general will. He has endowed it with absolute powers. But he failed to see that the unrestricted power of the general will might prove to be as arbitrary and tyrannical to certain individuals and sections of the people as was the absolute power of the kings. For there is no guarantee that the general will is absolutely disinterested and impartial among the conflicting wills of all the individuals. Rousseau asserts that the general will is neither the will of all nor the will of the majority.

Theoretically it is correct, but in practice the general will is expressed as the will of the majority, and not as the will of all. Lastly, by subordinating the individual will completely to the general will Rousseau subordinated the individual to the unrestricted authority of the State. He thus paved the way for the authoritarian or totalitarian States of the present times.

Rousseau compared with Hobbes and Locke:

As he came after the other two, Rousseau had one advantage; he was influenced by and could learn much from what Hobbes and Locke had said. In fact, "he began with the arguments of Locke and ended with the conclusions of Hobbes". For instance, like Locke, Rousseau described the State of nature as an idyllic condition of peace, freedom and equality. But here the resemblance ends, and difference begins between them. In Locke, the State of nature ends because of the inconvenience of uncertain laws, and the absence of impartial judges and common authority. But Rousseau's State of nature ends for more or less the same reasons as that of Hobbes, namely, due to the war of all against all. Here again there is a difference. Hobbes's State of nature is a stale of perpetual war from the very beginning because of the aggressive and selfish nature of man. Rousseau's State of nature, however, degenerates into a condition of war due to the growth of population, the origin of private property and the dawn of reason and civilisation. Historically speaking, this explanation is more correct than that of Hobbes. In the second place, like Locke, Rousseau based his social contract on human desire for freedom: both substituted natural freedom for civil freedom. Like Hobbes. Rousseau believed that there was only one contract, the social contract which created both the society and the State. Both asserted that men surrendered all their natural rights and powers to the sovereign, while Locke believed that they surrendered some rights in order to protect the rest. As a result of this difference, Hobbes and Rousseau make the sovereign absolute, but Locke limits his authority to a few powers surrendered to him. Rousseau and Hobbes also differ from each other. Rousseau establishes the sovereign power in the community as a whole, while Hobbes gives it to the monarch. "To use our modern terminology," writes Prof. Gilchrist, "just as Hobbes's theory supports absolutism and Locke's upholds constitutional government, Rousseau's theory supports popular sovereignty." Rousseau's popular sovereign exercises as much absolute, unlimited, inalienable and indivisible power as does the single or several rulers of Hobbes. Yet Rousseau's theory of sovereignty is based on the consent of the individual, just as Locke's theory is. That is why it is said that Rousseau's voice is the voice of Locke, but the hands are those of Hobbes." He borrowed from Hobbes the theory of absolute sovereignty and from Locke the conception of individual consent and combined the two into his theory of popular sovereignty. So Rousseau's State is Hobbes's Leviathan munus its crowned head. Rousseau had learnt from Locke that men are born free, equal and independent, but he did not believe, like Locke, that the people's sovereign power is held in reserve to be exercised when the government or rulers fail to protect the people's rights to life, liberty and property. Rousseau held that the people exercise sovereignty continually and constantly. Unlike Hobbes, both Locke and Rousseau distinguished the State from the government, but Rousseau held that the government has only executive function, while the legislative function belongs to the assembly of the whole people, the sovereign community. That was the reason why Rousseau did not distinguish the three organs of the government, the legislative, executive and judicial, whereas Locke was the first writer to give a theory of separation of powers.

CRITICISM OF THE SOCIAL CONTRACT THEORY

Before we consider the main defects and weaknesses of the contract theory, we must as Prof. Gilchrist says, keep in mind its two chief aspects; as a theory of the historical origin of the State, and as a theory of political obligation. Although the historical explanation of this theory is quite false, yet much can be said in favour of its second aspect. We shall first point out its fallacies, and then its value.

Its fallacies and defects

1. *It is unhistorical.*

One of the main defects of the social contract theory is that it is historically false. It claims to be a historical explanation of the origin of the State, but it has no foundation in history. In the whole range of human history we do not find men living in a State of nature without social relationships, nor do we find any evidence of a social contract which created the society and the State. In short, there is no historical evidence of a social contract in human past. It is historically impossible to believe that men living in the State of nature, and knowing nothing about political institutions and organisations, should suddenly and deliberately agree to set up a State. What history teaches us is that "the State is a growth and not a manufacture."

2. *It is sociologically unscientific.*

The sociological explanation of this theory is also unscientific and false. It asserts that men lived an isolated and independent life in the State of nature, and that they voluntarily contracted to establish the society and State, in. which also the individual remained as a free and independent unit. But social history has clearly demonstrated that in primitive society the family or tribe was the social unit and not the individual. He had no rights and no freedom. His position in the society was determined by his birth. His birth was his social status. It is only centuries after, i.e., in modern society, that the individual has become the social unit and enjoys freedom and rights granted by the State. While history shows that the evolution of society and civilisation has been from status to contract, from birth position to free choice, the Contract Theory reverses this historical process by asserting that it was from contract to status. "The individual", writes Sir Henry Maine "has been steadily substituted for the family as the unit of which civil laws take account.... The movement has been from one of status to one of contract"

3. *The transition is impossible.*

The basic assumption of the contract theory is wrong. A sudden transition from a lawless and, as Hobbes says, even non-moral and warlike condition of the State of nature cannot change into the law-abiding and peaceful community in the State is not possible. Such a sudden change in habits, character and conduct of the people is impossible in human life and society. It requires a long period of training, education, social control and development to bring about this transition. The psychological basis of the contract theory is also unsound.

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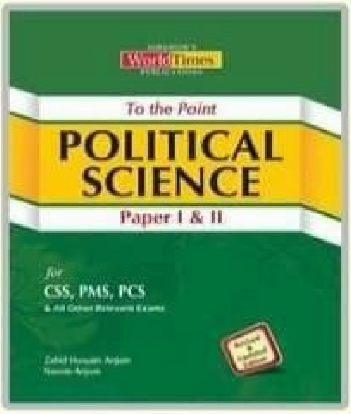
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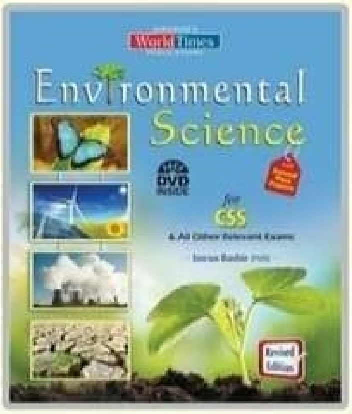
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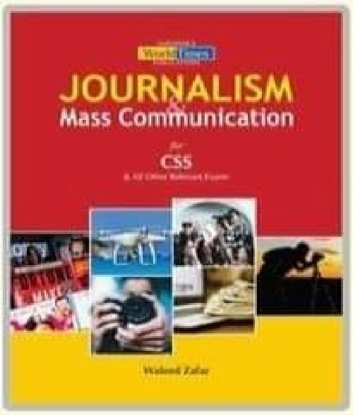
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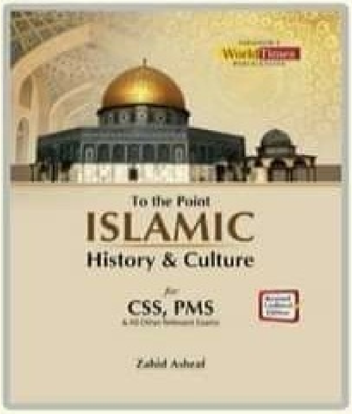
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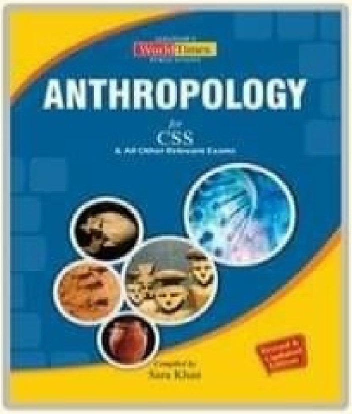
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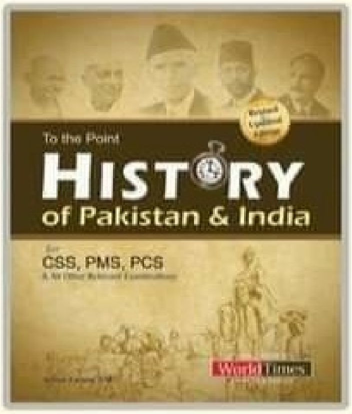
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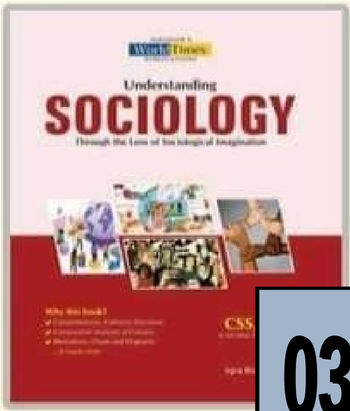
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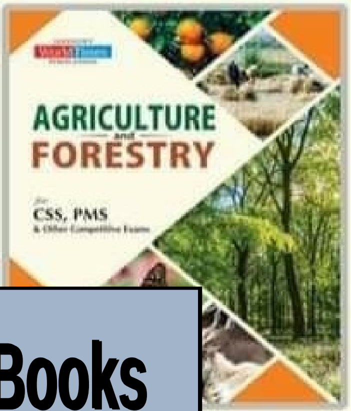
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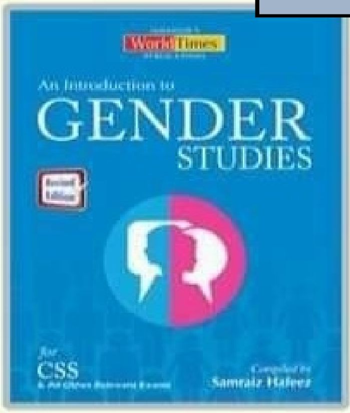
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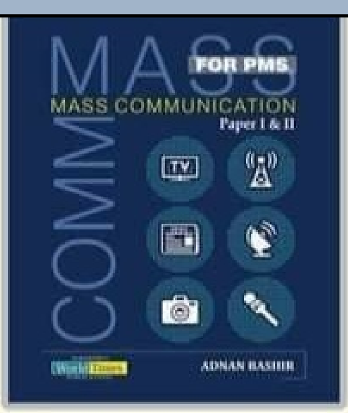
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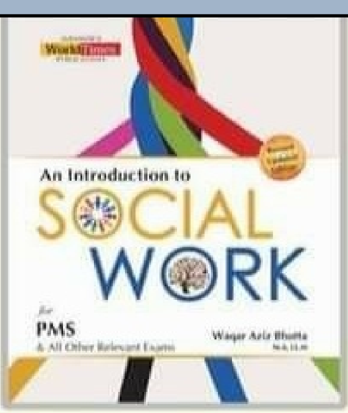
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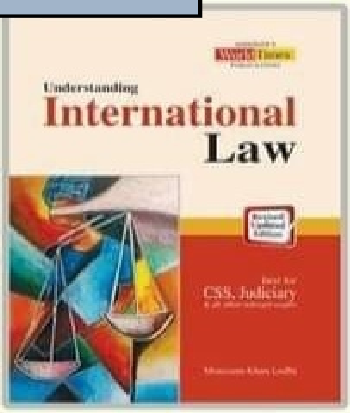
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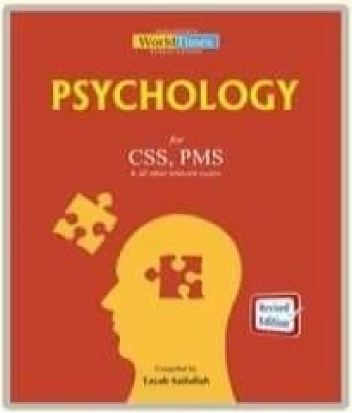
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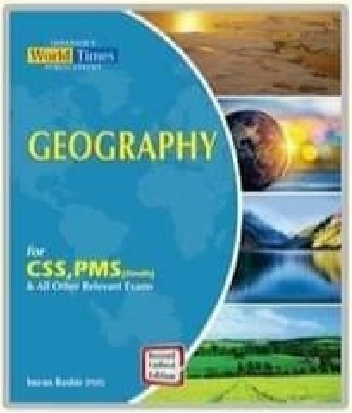
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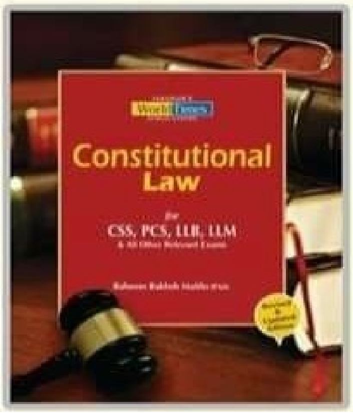
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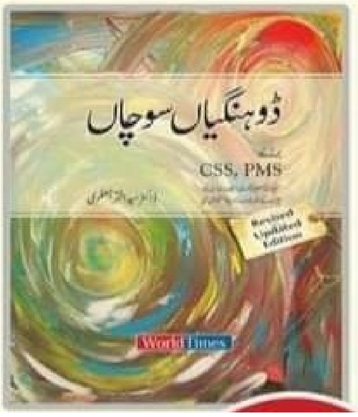
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4. *The theory is illogical.*

The social contract theory is full of several logical fallacies. Firstly, it presupposes equality among men in the State of nature. This assumption is not correct. Inequality is quite natural and not equality. Secondly, it presumes that men possessed natural rights and freedom in the natural State. But rights and liberty cannot exist in the State of nature. Liberty implies rights and rights imply duties and assume common consciousness of social ends and purposes. Yet the very definition of the State of nature denotes that there were no common consciousness of social ends and purposes. Men lived separately and independently of each other and had no common life at all. Natural right was not a right—a claim recognised by others for common good-but natural force. Man's freedom was limited by his own power, which was unequal. He had, therefore, no liberty and no rights in the State of nature. They exist only in civil society or State, where there is common social consciousness and a common authority to defend rights and enforce duties. Lastly, the whole concept of the State of nature and of the law of nature is wrong. It is based on the belief that the State is an artificial or mechanical invention of man, while the pre-political condition of man, viz; the State of nature, was his natural condition. Similarly, the law of nature is said to be in the very nature of man, while the law of the State is man-made. But this distinction between the original State of nature and its natural law, on the one side, and the Sate and law, on the other, is illogical and unsound. The State is as natural to human life as any other primitive condition, and its laws rise from the very nature of man. Far from being artificial, the State and society are the very expressions of human nature, because, as Aristotle long ago said, "Man is by nature an animal. Man is a part of nature; and every human law and institution is based on human needs, instincts and desires which arise from the very nature of his body and mind. Hence the basic defect of the contract theory is that it gives an artificial and mechanical explanation of the origin of the State and society. The State is a natural growth and not an artificial device.

5. *It is self-contradictory.*

The contract theory is based on self-contradictory reasoning. It declares that men in the State of nature came together to enter into a social contract and establish the State. But this fact of coming together shows that they had common consciousness before they met each other, and that the "State" had already arisen among them before they entered into a contract. Moreover, the contract itself implies that there must be a common authority to enforce it. It means, therefore, that the origin of the State does not lie in the contract but in the common will of the men of the natural State to enter into a contract. Furthermore, the contract is a legal term; it presupposes a system of laws to enforce it. But the advocates of the social contract declare that there were no laws before the contract. In short, the theory is self-contradictory and illogical, because the original contractors must have already known common authority, a body of laws and common political consciousness before they assembled to enter into a contract But if they were so advanced in social and political life, they did not require any contract whatsoever to establish the society and State, which were, indeed, already there.

6. *It contradicts the true basis of the State.*

The contract theory asserts that the relationship between the individual and the State is voluntary. But the State is a compulsory association. It is not like a commercial partnership between some persons for private interests and purposes. It is a permanent union for common ends and for unlimited purposes. Every man is born in the State; the State is a part of him and he is a part of the State. Edmund Burke, in criticising the social contract theory, writes that the State "ought not be considered as nothing better than a partnership agreement in a trade of pepper or coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest and to be dissolved by the fancy of the parties. It is to be looked on with reverence. It is a partnership in all science, a partnership in all a partnership in every virtue and in all perfection. As the end of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living but also between those who are dead and those who are to be born."

7. *It is dangerous.*

The theory of social contract is dangerous to the safety and security of the State. It proclaims that the State is an artifice of man's own making and therefore can be taken down to pieces and reconstituted as he likes. So it is a plaything in the hands of revolutionaries to make or unmake it as they like. Such were, indeed, the teachings of Rousseau which led to the excesses of the revolutionaries of France in 1789 and after.

To reduce the power and functions of the State and government and to declare them as mere handiwork of men is to make them a matter of their caprice and whims. Its logical result would be the subversion of all authority which may lead to the dissolution of the State.

Value of the Contract Theory:

Although the contract theory is mainly false and misleading, it contains some elements of truth. First of all, it emphasizes the fact that the State is a human institution and not a divine creation. More than this, it lays stress on one fundamental political truth that the State rests on the consent of the governed. It proclaims that will, not force or divine sanction, is the basis of the State. By emphasizing the elements of consent and will, it has ushered in the era of modern democracy. It inspired men to think that they could choose the government by their own free choice and will. This is the essence of political obligation of a citizen of the modern State. Viewed in this light, "the social contract theory may not be historically tenable but philosophically it is the only theory possible." Of all the philosophies of the State, it expresses the proper interpretation of the relations between the individual and the State as based on consent and will. This theory combated the claims of irresponsible rulers and privileged classes. It completely refuted the theory of the Divine Right of kings. Its great value lies in its refutation of absolutism and its support for democracy. The origin of modern democracy is to be traced from the writings of the social contract thinkers.

THE PATRIARCHAL THEORY

A general description of the Patriarchal Theory:

This theory is as old as Aristotle, who States in his book, Politics, in these words: 'The family arises first; when several families are united and the association aims at something more than the supply of daily needs, then comes into existence the village. When several villages are united in a single community perfect and large enough to be nearly or quite self-sufficing, the State (polis, as Aristotle calls it) comes into existence".[33]

According to the Patriarchal Theory, the State is the enlargement of the family. The original family consisted of a father, a mother or mothers and their children, all of whom were under the complete authority of the father. In course of time, the original family split up into as many families as the sons, each of whom became the paternal head of his individual family. But all these families remained united under the authority of the eldest living male among them. They formed a group of families, called a clan. Later several clans, tracing their descent from a common ancestor, real or supposed, formed a tribe, headed by a chief. The tribes expanded into a commonwealth or State, headed by a king. The king exercised the same complete authority over his subjects as did the patriarchal head over his wives, children and servants or slaves. So the family expanded into the State and the father's authority was transformed into the king's authority. In brief, the evolution of the State was, as Leacock puts it, "first a household, then a patriarchal family, then a tribe of persons of kindred descent, and finally a nation". In other words, the patriarchal theory presumes that the headship of the family "bequeathed from one chief another, by easy stages" transforms the father into the king and the family into a civil community".

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[33] Politics of Aristotle, Book I. Chap. II (Everyman's Library)

A more modern view is presented by Dr. Diamond. He writes: "In primitive society we may expect to find that the administrative and executive head of the family will usually be the strongest male. On the death of this male, the strongest member of the group will succeed. Who will that strongest be: neither a woman, nor an ascendant. Sometimes, some of the brothers were considered to fit in the position, if possessing the qualities needed. Sometimes brothers were too old to hold this position of the deceased. So, usually, the strongest member of the group will be the eldest son of the deceased. Such property as the group holds is held by the head as an administrator on behalf of the group, and on his death the new head succeeds to the property. There are, however, certain special considerations affecting property, as distinct from the position of being head of the group. Power, for example, must descend to one person but every one must be maintained'.

Patriarchal Theory as explained by Maine:

The Chief exponent of the Patriarchal Theory was Sir Henry Maine. He once lived in India on official duties in the nineteenth century, where he studied the ancient customs, e.g., the joint family system of the Hindus. He had also studied the ancient Roman, Greek and Hebrew societies and institutions. On the basis of these studies he elaborated the patriarchal theory in his two books, *Ancient Law* and *the Early History of Institutions.*

According to Maine, the family was the basic unit of the primitive society, in which descent was traced through the males. He writes in *'Ancient Law':* "The elementary group is the family, connected by common subjection to the highest male ascendant. The aggregation of family forms the clan or House. The aggregation of houses makes the tribe. The aggregation of tribes constitutes the commonwealth". In order to explain this evolution of the State, Maine further says, "The points which lie on the surface of the history are: - The eldest male parent—the eldest ascendant—is absolutely supreme in his household. His dominion extends to life, and death, and is as unqualified over his children and their houses as over his slaves. The flocks and herds of the children are the flocks and herds of the father". The power of the father over the life and possessions of all other members of his own family was known as *patria potestas* among the ancient Romans, and *kana* among the ancient Hindus. The eldest male parent possessed absolute and even despotic authority over them. He owned all they produced; he could chastise his children and dependents, he could give them in marriage as he liked; he could sell them and he could even kill them. But as time passed, the original family multiplied into many families, related together by male kinship. This process led to the formation of clans, and ultimately to tribes and States. Thus the original patriarchal family was enlarged into a State. The main points in the Patriarchal Theory of Sir Henry Maine are: (1) Paternal authority of the father or the eldest living male; (2) Male descent and kinship. All relations were traced through the male members and the male ancestors (3) Permanent marriage between a man and a woman or women, was the rule.

Criticism:

The chief merit of this Theory is that it has emphasized one factor in the evolution of the State, viz., the kinship or family. But here lies its main defect also. It seeks to explain the development of the State by a single factor of kinship; — the State is nothing but an enlarged family. This is too simple an explanation of the very complex phenomena of the origin of the society and State. There are three reasons why we cannot accept the contention that the State is nothing but enlarged family. Firstly, the family and the State differ widely from each other. The authority of the father is not like the authority of the ruler. The authority of the father is natural and limited, while that of the ruler is political and unlimited. The authority of the parent's decreases as they grow old and the children grow up, while there is no such fluctuation in the authority of the government. In view of these differences we cannot say that "the State is merely the family writ large". Secondly, the basic unit of the early society was the tribe and not the family. As Edward Jenks has pointed out, the primitive society was tribal in structure. Later on the family became the basic social unit, and only recently, the individual has become the unit of the society. Thirdly, the primeval society in human prehistory was matriarchal and not patriarchal.

THE MATRIARCHAL THEORY

Its Origin:

Historical researches of the second-half of the 19th century revealed that the Patriarchal Theory did not offer a universal solution of the problems of kinship and origin of the society. On the contrary, it was preceded by the matriarchal form of society in the prehistoric times. This view is advocated by the supporters of the Matriarchal Theory, the chief advocates of which are *Mclennan* (*Primitive Society*, 1865, Morgan (*Ancient Society, 1871)* Frederick Engel's *(The Origin of Family, Property and State*, 1892) and Edward Jenks *History of Politics*, 1900). They discovered proofs for this primeval society in the books of the ancients, such as the Epics of Homer, and in the existing primitive peoples of Australia, Madagascar, Malayan and Indonesian islands, the Red Indians of America and the tribes of South India. We may say, therefore, that the matriarchal society has existed down to the present day on the periphery of the civilised world of Asia, North America and Europe.

Explanation:

Matriarchal Theory starts with the idea that, instead of the family and permanent marriage union, the primeval society consisted of matriarchal groups or 'packs' Man was then in the hunting stage of primitive history. He depended on the bounty of nature, and subsisted on the fruits or berries of the forests, and on the animals killed by the 'pack' or totem-group of men, women and children living together. In this primitive society, marriage and family were unknown. Sexual relations were prohibited between men and women within the same 'pack'. But these relations were temporarily permitted between men and women of two definite 'packs' or totem-groups which dwelt together during a particular season. Children born to the women of a 'pack' became its members. They did not know their 'fathers' in the other 'pack', for maternity was a fact, while paternity was unknown. All relations of kinship and descent were traced "only through the mother. Property or private possessions were unknown. Women were the equals of men. As wealth was unknown, there was no question of inequality. Matriarchy society was peaceful and war too was unknown.

At last the matriarchal society changed. The factors of change were the invention of tools and implements, the domestication of animals and, above all, the discovery of agriculture. These inventions and discoveries transformed the wandering hunters of the matriarchal society into patriarchal tribes. Property relations in land domestic animals and household possessions began. Women were confined to household duties and men took to the hard labour of the outdoor work. Sexual relations between a man and woman or women became permanent union for procreation and property inheritance. The equality of the matriarchal "pack" was replaced by the inequality of the Matriarchal tribe. Powerful tribes, either because of wealth or of numbers, began to fight the weak tribes. Thus war began. This increased the importance of men as opposed to women. The male became the ruler, as a father within family, and as a chief within his tribe. All relations of kinship and descent came to be traced through the father alone. In this way, the patriarchal society arose in primitive times.

Criticism:

There is much to commend in the Matriarchal Theory. It has thrown a flood of light on the prehistory of Man. It has filled the gaps left unexplained by the Patriarchal Theory. It does not refute but rectifies the lacunae in the Patriarchal Theory. It has shown that the primitive society was far more complex in organisation than the Patriarchal Theory would have us believe. It gives more sound explanation of the origin and evolution of human society. It has, however, the same demerits as the Patriarchal Theory; it does not so much explain the origin of the State as that of the society. Moreover, as Dr. Leacock has pointed out, there does not seem any adequate proof for regarding it as the universal and necessary beginning of society. Lastly, kinship and family alone are not sufficient to explain the origin and development of the State.

THE EVOLUTIONARY OR SOCIOLOGICAL THEORY.

We have considered five theories of the origin of the State, but none of them is satisfactory. The reason is, as Dr. Garner puts it, that the State is "neither the handiwork of God, nor the result of superior physical force, nor the reaction of a contract, nor a mere expansion of the family. The controversy has raged round the origin of the State merely because it lies shrouded in the dim past of the unrecorded history of mankind. Origins are always obscure, said Maclver, and the origin of the State is no exception to this general rule. Speculation or philosophical imagination would not help us much in discovering the beginnings of the State in the remote past. Instead of that, we have to seek the help of History, Anthropology, Archaeology and other social sciences to understand how the State originated and developed into its present form. In this respect, History is our guide, and Sociology is our ground to formulate a correct theory of the origin of the State. They give us the Historical or Evolutionary or Sociological Theory which is now accepted as true or correct theory of the origin of the State.

Explanation of Sociological Theory:

It explains both the forces and factors which created and developed the State and the historical stages through which it evolved. Briefly, the social forces and influences in the evolution of the State are:

1. Kinship.
2. Magic and religion.
3. Property and the rise of economic classes.
4. War and force.
5. Political consciousness.

It must not, however, be supposed that the social forces and influences worked separately and in isolation to each other in building the State. On the contrary, they operated jointly in various combinations to give rise to the State, although the role of each of them differed from country to country and from age to age. We shall deal with each of them separately.

1. Kinship:

The basic features of the State are its organization and authority which it is based on the relation of command and obedience or discipline. The earliest social bond which could unite and organise primitive men into relations of command and obedience, was kinship. It is a natural relation based on blood and birth. The earliest relation is between the mother and child. The matriarchal social groups were organised on this relation. But when the matriarchal society was superseded by the patriarchal society blood relation was traced through the father. The tribes consisted of the families related by blood and descent from a common male ancestor, real or supposed. Within the family, the children obeyed their father, while the members of the tribe obeyed the elders of their tribe, related as they were by kinship or blood relationship. The bond of blood or kinship was the first element of social unity, the first sanction of authority, and the first basis of discipline. The council of elders led by a chief was the first political authority in the primitive society. The patriarchal tribe was a rudimentary State. Membership of this tribal State was determined by birth and blood relationship. Anyone who was not born within the tribe could not become its member. So the patriarchal family and tribe, based on the bond of blood, furnished the first form of the society, although they were not the first forms of State.

2. Magic and Religion:

Simultaneously with kinship, the twin sisters of magic and religion began to operate as unifying political forces. Primitive man did not understand the forces of Nature and the cause of their operation. He endeavoured to control them by magical rites and practices. This was his religion. In primitive tribes, the men who knew about magic and medicine acquired authority over the tribe. They became the forerunners of the tribal chiefs and kings. In other tribes, the men who conducted the religious rites or common worship became the priest kings. When religion became more refined, the social bond within the tribe became stronger. Religion became a powerful instrument for inculcating obedience and preserving order. It thus reinforced the cementing effects of kinship. It enhanced the authority of the father within the family by ancestor worship, and of the tribal chief or king within the tribe by common religious beliefs and practices. Religion has thus influenced the development of the States down to the present times. For instance, in very recent times, two new States Pakistan and India were established on the basis of two religions, Islam and Hinduism, respectively.

3. Property and the rise of Economic Classes:

One of the most powerful factors in the evolution of the State was the property or the need to regulate economic relations. It transformed the patriarchal tribal groups into tribal States. This change occurred when the nomadic tribes, dependent mainly on pastures, took to agriculture and a settled life on a definite piece of territory. It created the need for authority which was able to define and enforce the rights of the families and

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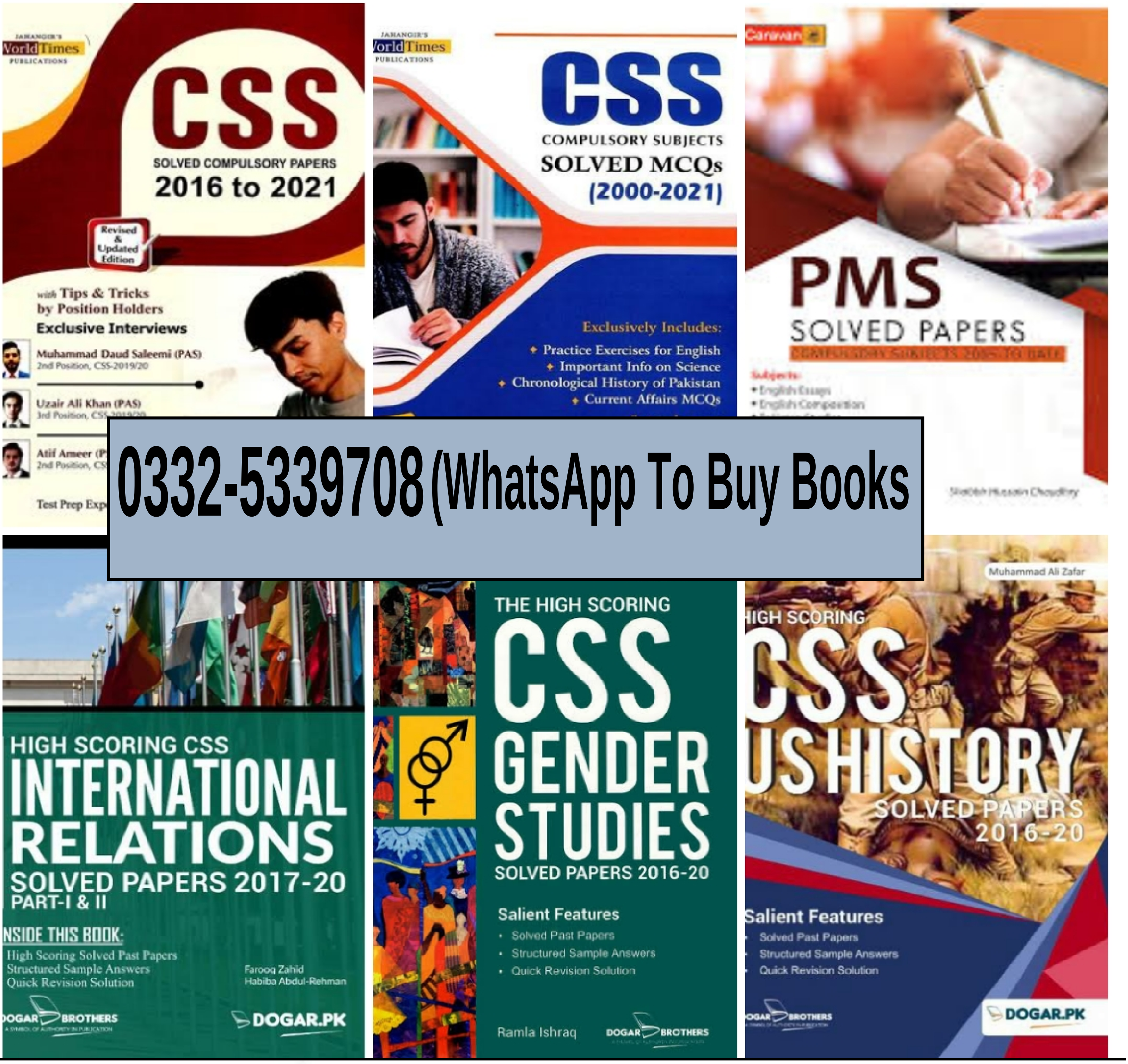
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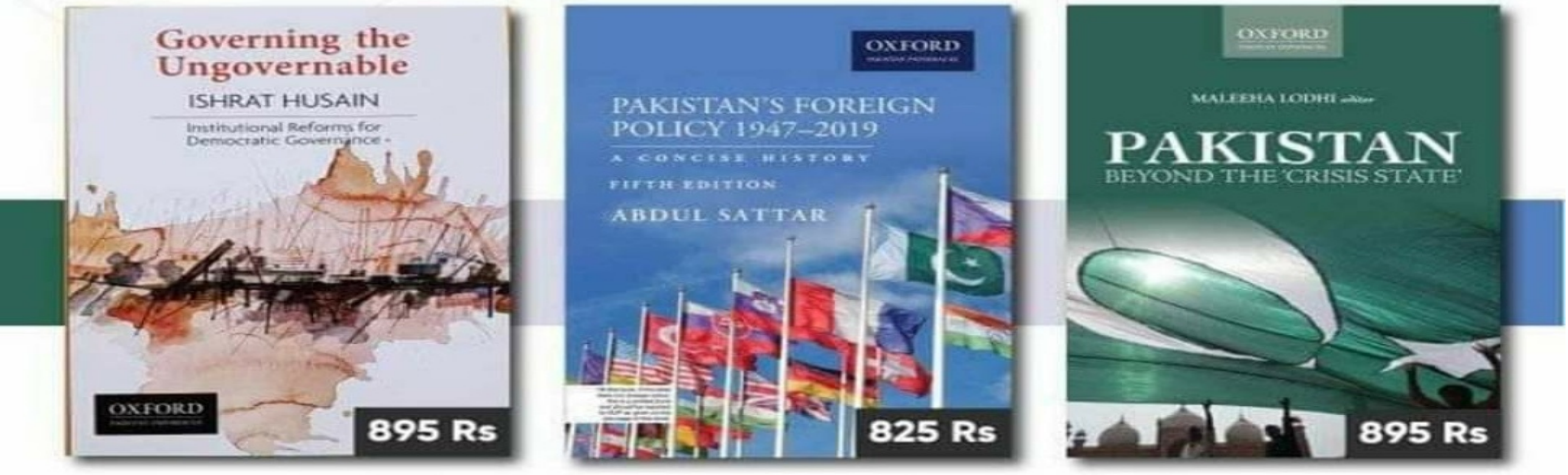
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individuals to the shares in the lands of the settled community, and to defend its wealth, consisting mainly of land and domestic animals. In other words, a common authority was required to define property relation and property rights, and to decide disputes over property and over or inheritance, as theft, and to settle such matter as the exchange of goods, either by barter or money sale etc. Adam Smith, the father of classical economics, writes, "Where there is no property, or at least no more than exceeds the value of two or three days labour, civil government is not so necessary". The growth of property created economic classes, based on inequality of wealth.

Economically dominant classes became also politically dominant and vice versa. In short, the rise of the State was determined by the growth of property relations and classes. This fact is particularly emphasised by Marxism.

4. War and Force:

War and force played a very important part in the evolution of the State. In the beginning might was right. The use of force is always for some purpose. In the patriarchal tribal society the purpose was the capture of the animals, wealth and land of the neighbouring tribes. Thus wars began among the ancient tribes for economic purpose. War and wealth went hand in hand in the early society. In its turn, war had a powerful organising influence on it, and transformed the tribe into a political body. Constant warfare led to the rise of permanent leadership. When a tribe was threatened by war, it had to choose a leader who would lead it against its enemies. The leader became the tribal chief, either by choice or by necessity. As the war among the tribes continued, and a victorious tribe subjugated others, the tribal chief became the ruler or king over the territories of the vanquished tribes. Thus the tribal State was changed into a territorial kingdom or State as we know it now. The phrase "war begat the king" says Gettle is, at least a half truth since military activity was a powerful force, both in creating the need for authority and law and in replacing earlier family organisation by systems more purely political. "Successful war leaders became kings and emperors. Thus military and economic factors transformed the primitive patriarchal tribes into the ancient territorial kingdoms.

5. Political Consciousness:

The fifth essential factor in the growth and development of the State is the slow rise of political consciousness. Political consciousness means the thought or knowledge of certain ends and purposes to be attained through political organisation. They were, in the early States, such as the need for defence and attack, the protection of life and property, the regulation of the social relations of marriage and family and the need to maintain law and order.

In the beginning, political consciousness was really political unconsciousness. It was subjective and dimly realised. Indeed the mistake of the social contract writers lay exactly in this that they presumed the sudden rise of political consciousness among the non-political men of the "State of nature". Political consciousness is a slow growth. The process of political awakening began in early times and has continued down to the present times, though it is now far deeper, wider and more rational than before. Prof Gilchrist has aptly described it thus: "Some laws were better, some worse, the wiser among the earlier peoples began to ask why. This "why" is the keynote of all progress". Progress began when men began to question the purpose of their institutions and social order. In this manner political consciousness developed the modern State. With the rise of modern democratic States, political consciousness began to play still more important and continuous role in the political life and organisation of the State.

6. Conclusions:

This was how the State emerged. It was a product of a slow historical growth in which several factors played their role with different intensity at different times and places.

Chapter 12

Concept of the State

Traditional and modern.

In chapter 9, we have described the State as an institution, that is, as a political organisation. In this and the next chapter, we shall study it as a concept. By concept we mean the way we understand or know a thing. As we said in the beginning of a previous chapter, the State has always been a controversial subject, for the attitudes towards and understandings of the State have varied from age to age, even from country and country and people to people. As the social, political, cultural, intellectual and religious environment of the people changed, their experience and therefore their concept of the State have also varied. We shall now study three different concepts of the State, viz, the traditional, the modern and the Islamic.

Traditional concept of the State.

The ethical concept of the ancient Greeks. The ancient Greeks were the first people in world history who had systematically thought about the nature and the purpose of the State, which they called *polis* or City State. Their concept of the State was ethical; they believed that it existed to realise good. As Aristotle said, the State came into being to make life possible; it continues to exist to make it good. According to the Greeks, the State was an ethical society; its aim was to make man's life good and perfect. The good life could be attained by education equal and full participation in all activities of the State by its citizens. The ancient Greeks did not believe in the present-day dichotomy of the individual *versus* the State. For them, the individual was an integral part of the State, which existed for the development of the self or personality of each citizen. This could be achieved by full participation and integration with the State. Pedicles, one of the founders of Athenian democracy, said, "An Athenian citizen does not neglect the State because he takes care of his own household; and even those of us who are engaged in business have a very fair idea of politics. We alone regard a man who takes no interest in public affairs, not as a harmless, but as a useless character, and if few of us are originators, we are all sound judges of policy."

Some of the moral principles or virtues which the Greeks upheld were justice, moderation (*sophrosyne*) pursuit of truth, honesty, duty to the State, patriotism, etc. Justice for the Greeks was not a legal dispensation but righteousness. It was a supreme political virtue. It maintained the State. Moderation, which the Greeks called *sophrosyne*, meant not to go to extreme in all matters, personal or political. It was the virtue of the Golden Mean, as Aristotle called it. Pursuit of truth was sought on the basis of rational thinking or logic. Honesty was found in interpersonal behaviour. Duty towards one's city-State was regarded by the ancient Greeks as a supreme virtue. It was the essence of patriotism. But it was also the source of the quarrels and wars among the various Greek city-States.

Ethical concept of the State of Plato:

Plato (427-347 B.C.) was one of the greatest political philosophers of ancient Greece and also of all times. His concept of the State was deeply ethical. He believed that knowledge was the supreme virtue and justice consisted in doing the thing for which an individual is by nature fit. According to him, the State exists to attain the ideas of good or virtue, which is possible only when it is based on the principle of justice. According to him, the State, like an individual, has three virtues: knowledge of the good, courage and appetite or desire. They lie in three parts of human body: appetite in belly, courage in chest or heart and knowledge of good in head. Similarly the State consisted of three classes, namely the artisans, the soldiers or defenders of the State, and the philosophic rulers. Each of these classes had its own virtue. The artisan class possessed the virtue of appetite, the soldier or defender class possessed the virtue of courage, and the philosophic rulers possessed the supreme virtue of knowledge of the good.

In his book Republic, Plato explained that the educational system, which the State would maintain, would find out to which class a man or woman should belong. It was to be imparted in three stages. During the first stage, every child, boy or girl, would join the school at the age of seven. It lasted till the age of twenty. Those pupils who showed interest and aptitude in mechanical arts, and not in intellectual studies, joined the class of the artisans. All young men and women, who showed interest and understanding of the intellectual, athletic or military subjects, were to be further trained for ten years, from the age of twenty to thirty. Those who showed courage and were found fit for athletic and military arts were to become soldiers or defenders. But those men and women, who showed interest and aptitude for philosophy and seek the knowledge of the good, were to be further trained in dialectic. It was the study which proceeded "by means of Forms (ideas), through Forms to Forms." It was the supreme virtue, which meant the critical knowledge of all sciences. It was wisdom, the possession of which would make a man or woman a philosophic ruler or philosopher-king. Thus Plato's concept of the State was a tripartite system of classes and virtues. Justice meant that each man and woman should belong to the class for which he or she had the virtue and would not belong to an upper or lower class, for he or she was not fit, i.e. he or she did not possess the virtue. It means, for instance, a soldier should not aspire to be a ruler, for he possessed courage but not wisdom, nor should he be an artisan. But a man or woman, who possessed the supreme virtue of knowledge or wisdom, should not be a soldier or an artisan. Similarly a man or woman, who was fit for mechanical arts, should only be an artisan or worker. He or she should not aspire to be a soldier or ruler, for which he or she does not possess courage or wisdom. In short, Plato's concept of State was based on the division of ethical qualities or virtues. It was an ideal State. Plato believed that it would free the Greek city-States from those evils and ills found so much in them in his days.

St. Augustine's religious concept of the State. About three centuries after Plato's death, Greece was conquered by Rome, which built a vast empire. The Roman Empire lasted for several centuries. During the third century A.D. Christianity spread in the Roman Empire and in 333 A.D the Roman Emperor, Constantine, declared Christianity as the State religion of his Empire. But the Empire then began to break up due to the invasions of the various Germanic tribes from northern Europe. Then began a period of confusion and anarchy, State religion, Christianity, was threatened with extinction due to the paganism of the Germanic tribes. At this time the Christian Church was assailed and challenged by various kinds of heresies. The early Church Fathers strove to save the Christian religion and church from these religious and political threats. One of them was St. Augustine (354-430 A.D.)

Augustine was the bishop of Hippo, in North Africa, which was then a province of the Roman Empire. He was a prolific writer. Among his many books was one on which he spent more than ten years, from 413 to 425. It was entitled *De Civitate Dei* (The City of God). It soon became one of the most important books of the Catholic Christianity. Why was it written?

In 410, the city of Rome was attacked and sacked by Alaric the leader of Visigothic Germans. It shocked the Roman people. Rome was never attacked by anyone for the last eight hundred years. Its people believed their city to be an invincible Eternal City, the protector of their lives and properties, and the defender of their Christian faith. Why was then this mighty city conquered and sacked by a mere tribal chief? Because it was a divided city, though Christianity was proclaimed as the State religion of the Roman Empire from about 313, but its population was still half Christian and half pagan. The pagan Romans were the worshippers of the old Roman gods and goddesses. They declared that the sack of Rome was because of Christianity. They said that so long the Empire was loyal to its old gods and goddesses; it was strong, powerful and prosperous, for they protected it against its enemies. But when it became a Christian State, its god and goddesses deserted it and, therefore, it was attacked and plundered by the Germans, Huns and other enemies. This accusation against Christianity by the pagans touched Augustine to the quick. To refute them and to defend his Christian religion, he wrote his book, *The City of God*. It soon became one of the most important books of the Catholic Christianity and was studied deeply by all Churchmen of Medieval Europe for more than one thousand years. Indeed, his writings were, as Sabine puts it, "a mine of ideas, in which later writers. Catholic and Protestant have dug".[34]

Augustine explained his religious concept of the State in his book, *The City of God*, using the word city for the State, as did the ancient Greeks, in whose philosophy he was thoroughly trained. According to him, there were two States, viz, the city or kingdom of God, which was the Kingdom of Light, and the city of Satan, which was the kingdom of darkness. The city of God was the Kingdom of Heaven, while the earthly kingdoms and empires were the cities of Satan. The Kingdom of God is the invisible State, while the State of Satan was the visible or worldly kingdom, which has existed in the past and in the present, such as the pagan kingdoms and the empire of Rome, Greece and others. The kingdom of God is also visible in the Christian Church. But no visible and earthly kingdom could be perfect, for only the invisible kingdom of God was perfect. Although the earthly kingdoms claim to provide justice and peace to their citizens, but they give neither true justice, nor true peace, which would be possible only in the heavenly Kingdom of God. Thus Augustine rejected the claims of the ancient Greeks that the State was a perfect organisation, in which alone true justice and peace could be attained.

His Theory of Christian Commonwealth.

Augustine was not a systematic thinker. But his mind was clear. He was set upon building a Christian commonwealth. He held that man has a dual nature: temporal and spiritual, for he has a body and a soul. Man is a member of the earthly State for the fulfilment of the temporal needs of his body. But he cannot realise his spiritual interests, the needs of his soul, by becoming the member of the State. This he can do only by becoming the member of the City of God through the church, for the salvation of his soul. In other words, man should obey the State only when it has adopted the Christian way of life, as taught by Jesus Christ through the Church, which, therefore, represents the Kingdom of God. Paraphrasing Hegel, we may say that Augustine believed that the Christian Church was the march of God on earth. Accordingly, the State becomes the secular arm of the Church and exists to realise true or perfect justice. Behind the social and political order of the State lies the Divine plan and purpose which transforms and makes it sublime. Men should obey it because it furthers the purpose of God and not merely because it maintains peace and order and protects property. It means that the duty to obey the State is subordinate to the duty to obey God. Unlike Plato who believed State to be the supreme organisation. Augustine believed that it was a subordinate organisation, subject to the will of God as the supreme authority. Obedience to the laws of the State and respect for its authority can be justified only so long as they do not go against the duty to God. In other words, the duty to obey the State is not absolute; it is limited by the duty to obey the higher authority of God. The true Christian obeys the civil laws because they have the sanction of God behind them. Thus Augustine placed the secular authority under the higher authority of God. The Will of God was revealed to Jesus Christ as His son and from him descends to the Christian Church. Only thus the Christian commonwealth came into being.

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[34] George H. Sabine. A History of Political Theory, p. 189

But struggle between the invisible societies of the elect of God and the damned would last throughout human history. It began with the Fall of Man due to Adam's transgression and would end with the Day of judgement. The Christian Church and the pagan and secular State do not embody the two invisible societies, but are the symbolic embodiment of them. The first is the kingdom of Satan, beginning its history from the disobedience of the Angles and embodying itself especially in the pagan empires of the Assyria and Rome. The other is the kingdom of Christ, which embodied itself first in the nation of Israel and later in the Church and the Christianised Roman Empire after Cons amine the Great. Thus Augustine explained history as the story of the struggle between these two societies which will ultimately end in the victory of the city of God. Only in the Heavenly City is peace possible, only the spiritual kingdom is permanent. All earthly kingdoms must fall, for they are naturally unstable and changeable, because they necessarily arise in war and the greed of domination. This was how Augustine explained the fall of Rome. It became then the Christian Church and its secular arm, the Christian commonwealth. He said that the Church represented the City of God on earth, as a social union of all true believers, through which the Grace of God can work in human history.

Modern concept of State:

Modern concept of State is absolutely different from that of the ancient times and of Medieval Europe. Briefly, it is secular, national and legal. We shall now consider each of these characteristics of the modern State in some detail.

Secularism:

By secular concept of the State is meant that the State is separate from religion. It means, in other words, that the State has nothing to do with religion, while religion, i.e. church, is not to interfere in matters of politics and State. A secular State is not necessarily an irreligious State, but it believes that religion is a private affair of the individual, in which it cannot and should not interfere at all. In this respect, modern State is different from the Greek concept of State which was ethical, and from the medieval concept, which was deeply religious, as we have explained regarding Augustine's concept of the State above.

Secularism is a modern concept, which first came into being in the West during the early years of the twentieth century, when politics was separated from religion in almost all the Western countries. However, the idea of secular State was first propounded by Machiavelli. But it did not bring about real secularism, i.e., complete separation of religion and State, for he advocated that the ruler use religion for his political purposes. Secularist ideas were first expressed by the thinkers and philosophers of the Age of Enlightenment in France during the eighteenth century. They asserted that Church and State should be separated from each other. However, it was in the twentieth century that secular States came into being in Europe and America. Afterwards, the idea of secular State spread to some of the newly independent States in Asia and Africa when they were liberated from centuries of Western imperialist domination after the Second World War, such as Egypt, Iraq, Syria, Bharat, etc However, in the case of India, secularism is really a political play or propaganda, for the policies, acts and laws of the so-called secularist India are in the interest of the Hindu religion, the religion of the Hindu majority in that country.

Nationalism:

Modern State is a national State, what is a nation? A nation is a people united by the bonds of common language, religion, culture, or race, and common historical experience, aspiring to establish or maintain their separate and independent State. In other words, a nation-State means a people who are conscious of their separate and independent national identity under their separate and independent State. As such, a nation-State has two component elements: objective and subjective. Objective factors are common geography or territory, common language, religion, culture and common historical experience of national liberation struggles, past and present, while the subjective elements are the psychological factors of national feelings and consciousness. As a matter of fact, the psychological elements of nationhood are more important than the objective ones. It is not mountains and valleys, said Dankwart A. Rustow, that make a people a nation; it is their consciousness of being a nation that makes them so.

Nation-State is a modern phenomenon. In the past ages, the people of a State never felt to be a nation, for they were divided into various tribes, clans, races, local communities or cities. Loyalty was primarily to these lesser units or groups, and secondarily and in a limited manner to the king or emperor. In the middle Ages in Europe, the Christian Church produced the concept of universal community of Christianity, in which the loyalty was at once to the State in matters concerning the State and towards the Church concerning religion. As a matter of fact, the rise of the national States in Europe in the modern time was a revolt against this concept of universal Christian community, preached by the Catholic Church in the middle Ages. England and France were the first national State, which came into being during the Hundred Year War which raged between them during the fifteenth and sixteenth centuries. Next Spain and Portugal became nation-States due to their wars against the Spanish Muslims. But their national States became stunted owing to the overriding influence of the Catholic Church and Inquisition. Next Holland became a nation State. After the French Revolution of 1789, several central and southern European nation-States came in to being, such as Germany, Italy, etc. The idea of nationalism then spread into Eastern Europe, when several nation-States came into being in consequence of their wars against the Ottoman Empire. After the Second World War, nationalism spread in Asia and Africa, where nearly sixty nation-States, .e.g., India, Pakistan, Egypt, Iraq, Algeria, Nigeria, Tanzania, Kenya, and others were established. At present, the U.N.O. consists of about 159 nation-States. Nevertheless there are still several multi-national States, like the USSR, the U.K., the Union of South Africa, etc. Moreover, many nation-States have also several ethnic, religious and linguistic minorities within their boundaries, such as Israel, India, etc. As a matter of fact, there is no nation-State in the world today, which has not a minority or ethnic group in it. This fact adds an element of political tension and instability in the nation-State, which has, in some cases, led to revolts and national liberation struggles, such as those of the Tamils in Sir Lanka, of Sikhs in India, of the Blacks in South Africa, or the Christians in Sudan or of the Palestinians in Israel.

Legalism:

Modern State is based upon law. Law means a general rule of external conduct, passed and enforced by the State. Law is an instrument of social control to prevent conflict, violence, and crimes in society over such matters as property, life and limb, honour and individual or group interests. But law cannot exist without the coercive authority of the State and its administrative and judicial systems. In other words, laws are authoritative norms, made and enforced by the State. As such, law is a Statement of rights and duties of the citizens.

Law is, however, a modern concept, especially with regard to its two aspects: legislative enactment and universal enforcement. It is applied to citizens regardless of differences of class, social status, wealth or rank. Subordination to law of all the people, whether rich or poor, high or low, is known as Rule of Law. In the past ages, law was not taken in this sense. In ancient times, law was only the custom upheld by the king's authority. It had really originated in the tribes and local communities, which later came to be ruled by the kings or the like. In such conditions, the very idea of law being made by a legislative body was unknown. Moreover, law was then considered to apply to human as well as to non-human beings. Furthermore, law and morality were then not clearly distinguished.

Modern State and law have grown together. This development really began when the legislative system, acquired the exclusive power to make laws, first in English Parliament during the eighteenth century. Later on, other European States also set up their legislative bodies, variously called as National Assembly as in France, Congress as in the U.S.A., Reichstag or Bundestag as in Germany, or Cortes as in Spain, etc. In the twentieth century, when independent and sovereign States came into being in Asia and Africa, they too set up their own legislative bodies, named differently. For instance, in India and Pakistan, where the British tradition is still very strong, it is usually called Parliament; in Iran it is called Majlis, and so on. It may be mentioned, however, that the sources of laws lies not in the legislative organ of the State, but in the social, economic, cultural, historical and other conditions, norms and values of the people and in their ordinary day-to-day experiences and interactions.

Chapter 13

Islamic Concept of the State

In the previous chapter, we have studied the traditional and modern concepts of the State. We shall now study its Islamic concept.

Nature of Islamic Polity:

Islam is a complete code of life. It means that it takes a comprehensive view of life and covers all its aspects and phases. Nothing in human life and behaviour is outside or beyond Islam. Unlike Christianity which declares: "Render unto Caesar what is Caesar's and unto Christ what is Christ's", and thus separates religion from politics and Church from the State, Islam does not believe in the separation of religious room political life. Hence there is no secularism in Islam, or rather the secular or worldly is made a part of the sacred or spiritual. In other words, Islam takes an integrative view of human life, which it declares to be a preparation for the life hereafter: the life in this world is meant for preparing for the eternal life of the Next World, which is everlasting. The concept of the State in Islam should therefore be understood on the basis of this integrative principle of Islam.

1. ***Sovereignty of Allah:***

Sovereignty of Allah is the fundamental principle of the Islamic concept of State. The Holy Quran says: 'To Him belongs the dominion of the heavens and of the earth. It is He who gives life and death, and He has full knowledge of all things."

Again: "He is the First and the Last, the Evident and the Imminent *(Zahir wa Batin)*, and he has full knowledge of all things."

Again: "The command is from none but Allah *(Innil hukmu illa lillah)"*. And again: "Allah has power over all things *(Kulli sh'ai-in Qadir)"*.

In short, sovereignty in Islam does and can belong only to Allah and none can claim to be sovereign. Allah is sovereign, because He is Omnipotent, Omniscient, Omni competent and Omnipresent. The principle of Allah's sovereignty does not recognise the possibility of dictatorship, absolute monarchy or autocracy in an Islamic State. It is because the basic allegiance of the Muslims is to God and His Law, to which even the head of the State is subservient.

2. *Khilafat:*

The Holy Quran proclaims the Vicegerency of Man. It says "And when thy Lord said unto the angels: Lo! I am about to place a vicegerent *(Khalifa)* in the Earth." It says further: "Say, O Allah! Owner of Sovereignty! Thou givest sovereignty unto whom Thou wilt, and Thou withdraw sovereignty from whom Thou wilt. Thou exactest whom Thou wilt and Thou abasest whom Thou wilt. In Thy hand is the good. Lo! Thou art able to do all things."

The institution of Khilafat or Caliphate came into being after the demise of the Holy Prophetﷺ. The Khalifa was also known as *imam*, for he combined both political and religious duties of leadership of the Muslim community both in matters of the State as well as of religion. "Under the sovereignty of God and the authority of His law, the Shariah of Islam, the caliph is the temporal ruler of the State and the defender of the faith": writes E.I.J. Rosentahl. "Constitutional law in Islam", he writes further "is based on the theory of the Khalifa". However, a French writer, Gaston Bouthoul, asserts that "the theory of Caliphate has always been very controversial". If by controversial the meant as of doubtful existence, he is obviously wrong. Muslim jurists have always recognised the institution of caliphate as a legally valid constitution of the Muslim community or Ummah, as we shall presently explain when we shall consider the theories of caliphate, as expounded by al-Mawardi, al-Ghazali and Ibn Khaldun. In practice also, the institution of caliphate had a very long history. It had existed from 632, when Hazarat Abu Bakr became the first Caliph in the history of Islam, down to 1924, when the Caliphate was formally abolished by modern Turkey under Kamal Ataturk.

3. *Government by consultation:*

Mutual consultation among the Muslims is a commandment of the Holy Quran and an injunction of the Sunnah of the Holy Prophetﷺ. The Quran says in the Surah 42 "When they are said to put their trust in God, when they are regarded as shiners of evil, when they are said to be brave defenders of their rights, they are praised for taking each other's counsel in time of need." It further says that "Not only that but the Apostle, while he is enjoined to trust only in God when he has made up his mind, is also advised to consult even those who are his enemies at heart". (Quran III: 159) It was also the practice of the Holy Prophetﷺ who consulted his Companions in all matters of State. The institution of *Majlis-e-Shoora* was developed by the Khulfa-e-Rashideenرضی اللہ عنہم afterwards. This institution is the foundation of democratic government in Islam.

4. ***Obedience of the Awulal Amr or the Ruler:***

The Qur'anic injunction calls upon the Muslims to obey the *Awulal Amr* or the supreme commander among them.

5. ***Equality of all mankind:***

The fundamental doctrine of Islam is the equality of all mankind. It is implied in the basic Islamic teaching of the *Tawhid* or belief in the Unity of God. As Allama Iqbal puts it, "the essence of Tawhid as working idea is equality, solidarity and freedom." Accordingly, in Islamic polity there is no distinction or discrimination of man and man on the ground of race, colour, language, profession or country.

6. ***Order well and punish wrong:***

Islam enjoins the State to maintain morality. It asks the ruler to order well and punish wrong: *amr al-maruf wa'l nahi-an-al munkar.* The Quran also requires the Muslims to' enjoin upon each other to do well and prevent others from committing wrong. These Qur'anic verses are very significant in as much as they declare that the chief objectives of the Islamic State is to be the enforcement of duties on the Muslims.

7. ***Payment of Zakat:***

Collection of Zakat is one of the essential functions of the Islamic State. It is also the primary duty of the Muslims, who are enjoined to pay it as dutifully as they perform five time prayer.

Theories of the Khilafat (Caliphate):

As we have said above, Khilafat or Caliphate was the political organisation of the Muslim community under the four Orthodox Caliphs. When the Umayyad dynasty (661-710) came to power in 661 A.D./32 A.H., it kept its outward form but changed it into a monarchy. The Caliphal structure remained the same under the Abbasids (750-1258), but with one important change: they upheld the authority of the Shariah. Under the Abbasids, the Caliph remained the political and religious leader of the Muslim Ummah. But when the Abbasid Caliphate began to decline from about 940 A.D, the Caliphal authority was challenged by rival Caliphs in both the eastern and western provinces of the Caliphate, while independent Muslim rulers or sultans usurped the political authority of the Abbasid Caliphs. This critical situation made several Muslim political thinkers to expound various theories of the Caliphate. Among them al-Mawardi, al-Ghazali and Ibn Khaldun were most important.

Al-Mawardi's Theory of the Khilafat:

Abu'l Hasan Ali ibn Muhammad al-Mawardi (975-1058 A.D/364-450 A.H) was the first political thinker in the history of Islam. He was a professor of law and jurisprudence at Basra and Baghdad. He was jurist of *the fiqah* of Imam Shaafi. He lived at a time when the Abbasid Caliphate was at the nadir of its fortunes. The Abbasid Caliphs, once the proud rulers of a vast Caliphate, had been deprived of all political authority by the Buwayhid Emirs. It was only the support of Sultan Mahmud of Ghazni which enabled them to retain some semblance of spiritual authority. Al-Mawardi wrote his famous book; *Al-Ahkam as-Sultaniyah or Principles of Government,* to defend the Khilafat against its detractors and to restore the authority of the Abbasid Caliphate to its original position. The theory of the caliphate, as expounded in this book, became a model for all other Muslim political thinkers and jurist except ibn Khaldun, who questioned it on some grounds, as we shall describe later on. Bagley says that al-Mawardi's book is "the greatest theoretical exposition of Islamic constitutional law". In her commentary on Al-ahkam Darlene R. May says that the book embraces both theoretical and practical aspects of Muslim political thought and behaviour.

According to al-Mawardi, the institution of the caliphate or ***imamate*** is based on the following principles:

1. Sovereignty belongs to Allah, who has laid down laws so that justice, truth and goodness may be widely known;
2. Authority is vested in the Khalifa as the successor of the Holy Prophet ﷺ;
3. The duty of the Khalifa or Imam is to enforce the Shariat, to defend the faith against heresy and the Muslims against their enemies, and to enable them to live according to the injunctions of the Shariat and thus to attain happiness in this world and the Hereafter. In view of this duty, al-Mawardi defines Caliphate as the institution "replacing prophecy in the defence of the faith and the administration of the world. It is demanded by the Shariah, not by reason". Ibn Khaldun differed from al-Mawardi on this point, as we shall see later on.

Election of the Caliph (Imam):

Following the historical precedents of the Khulfa-e-Rashideen (Orthodox Caliphs), al-Mawardi declared that the caliph or imam will be elected to his office, provided he possesses the following seven qualifications:

1. He upholds justice under all conditions;
2. He has knowledge of religion and has the interests and policy of the Muslim community at heart;

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3. He possesses all physical senses, such as of eyesight, etc;
4. Integrity of physical organs;
5. Wisdom;
6. Bravery, and is capable of waging jihad against infidels; and Quraishite descent, i.e. he must belong to Banu Quraish, the tribe of the Holy Prophetﷺ;

Mode of Election:

The Imam is appointed in one of the two ways;

a) He may be elected by the Electoral College, which consists of the persons who are present in the capital; or

b) He may be nominated by the ruling *imam*, who may nominate his son, father or a relative, if he is properly qualified for the high office.

Duties and Functions of the Imam:

According to al-Mawardi, the Imam (or Caliph) has to perform the following ten duties or functions:

1. His first duty is to uphold the Islamic religion and Shariah, as understood and propounded on the basis of the concepts of the ancient authorities. If anyone makes innovations or become sceptic in religious matters, the Imam should try to correct him and make him to obey religious injunctions, lest people might be affected by such heresies.
2. He must dispense justice and settle all cases in accordance with the Shariah. He should thus curb the strong and encourage the weak to seek his due.
3. He must maintain law and order in the country, so as to encourage economic activities and enable people to travel freely in the land without fear.
4. He should enforce the criminal code of the Quran, so that people might live within the *'hadud'* set forth by Allah.
5. He must defend the frontiers of the Islamic State, so that people, Muslims and non-Muslims, might live in peace and security of their lives and property.
6. The Imam must establish the supremacy of Islam over all other religions and creeds. For this purpose he must organise and undertake *jihad* against those who oppose

Islam and bring the non-Muslims into the fold of *Dar ul Islam or Pax Islamica.*

7. It is the duty of the Imam to collect *Zakat* and *Kharaj*, as required by the injunctions of the Shariah, but without resorting to pressure or extortion.

8. He should pay allowances and stipends from the *Bait-ul Mal* to those who are entitled to them and must not pay them before or after the due time.

9. He should appoint honest and sincere men to the-principal offices of the State and to the treasury (Bayt ul Mai) in order to ensure good and effective administration and to safeguard the finances of the State.

10. The Imam should keep himself informed of the affairs of his State and he should himself direct the national policy and protect the interests of the people. However, he could delegate his responsibilities to others and engross himself in luxury or religious devotion.

Duties of the people:

If an Imam (Caliph) fulfils all the ten duties enumerated above, the people have two duties towards him:

1. They must obey him, and
2. They should render him help in the defence and security of the State.

The Deposition of the Imam:

After enumerating the duties of the Imam, al-Mawardi discusses the conditions in which a reigning Imam or Caliph can be deposed. The conditions are as follows:

1. If there is a change in his moral status, known as *azala* in Islamic fiqh or jurisprudence. The moral change is of two kinds:

(a) When an Imam disregards the injunctions of the Shariah and gives himself up to immoral pleasures. In such a case, a person can neither be elected as Imam or continue to be one.

(b) If an Imam renounces or distorts the established principles of Islam. In this case too a person cannot be chosen as Imam or continue to be one.

2. An Imam can be removed from his office, if he suffers three kinds of bodily defects:

(a) Loss of physical senses and of mental faculty, such as loss of eye sight. The first condition is obvious and needs no comment. But the second condition had led to unfortunate consequences in Islamic History. Quite often, the Muslim kings blinded those relatives or others who had become contenders to their thrones.

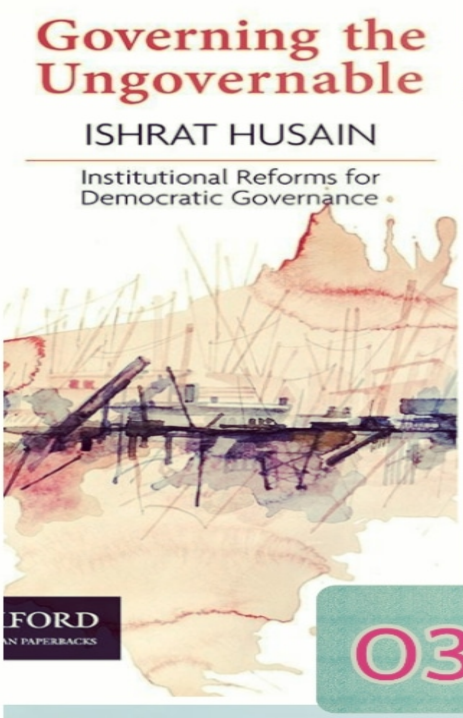
(b) Loss of bodily organs, which not only disfigures the Imam or render him incapable of performing his normal duties.

(c) Loss of ability to supervise and direct the affairs of the State, e.g., when Imam becomes a prisoner in the hands of an enemy. However, if a counsellor or assistant of the Caliph-seizes power, but does not depose the Imam, al-Mawardi declared such.1 situation legitimate in the Shariah. Thus he defended the Buwayhids' capture of power. In case a Caliph becomes a prisoner of war, al-Mawardi lays duty on the Muslim community to ransom him.

Al-Ghazali's Theory of Khilafat

Abu Hamid Muhammad bin Muhammad bin Muhammad bin Ahmad al-Ghazali was born near Tus in Iran in 1058, where he received his education in Islamic sciences. In 1091, he was appointed as professor at the newly-founded Nizamiyah College at Baghdad by Nizam-ul Mulk, the Grand Vizier of the Seljuk Sultan, Malik Shah. After four years, al-Ghazali left his job, because he was assailed by doubt about rationalism, the basis of Greek philosophy, which was then widespread among Muslim philosophers. He then devoted himself to spiritual thought and mystical (sufi) exercises. He died in 1111 A.D. He wrote a number of books, among which the following are important for his political ideas.

1. *Ehya-ul-Uloom* (Revival of Religious Sciences): it was his masterpiece;
2. *Tibrul Masbuk* (Molten Gold) a politico-ethical handbook for the guidance of the kings;
3. *Sirrul Alameen* or the Mystery of the Two Worlds, which was really meant for the edification of the rulers of his native country;
4. *Iqtisad bi'l Itiqad* or the Moderation in Belief, in which Ghazali speaks as a jurist, and;
5. *Naseehat al-Muluk* or Counsel for the Kings.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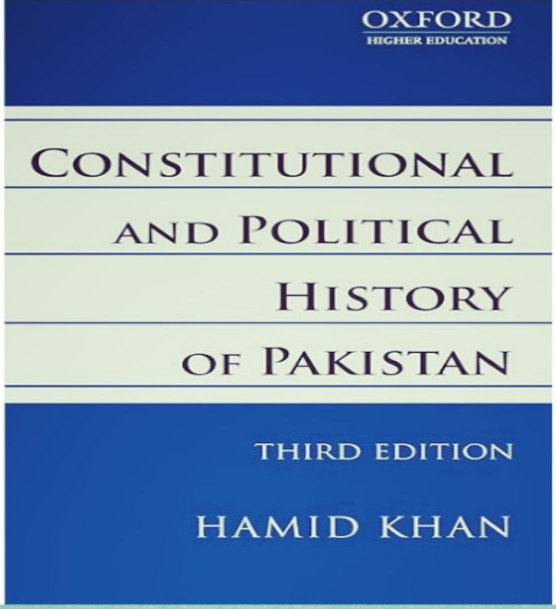
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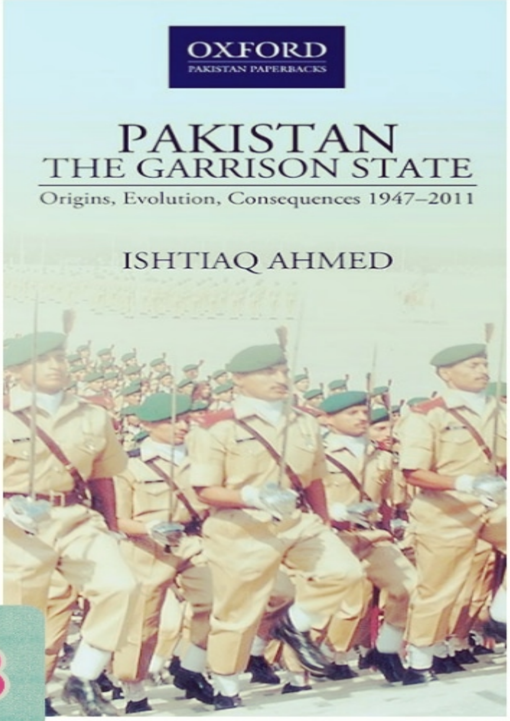
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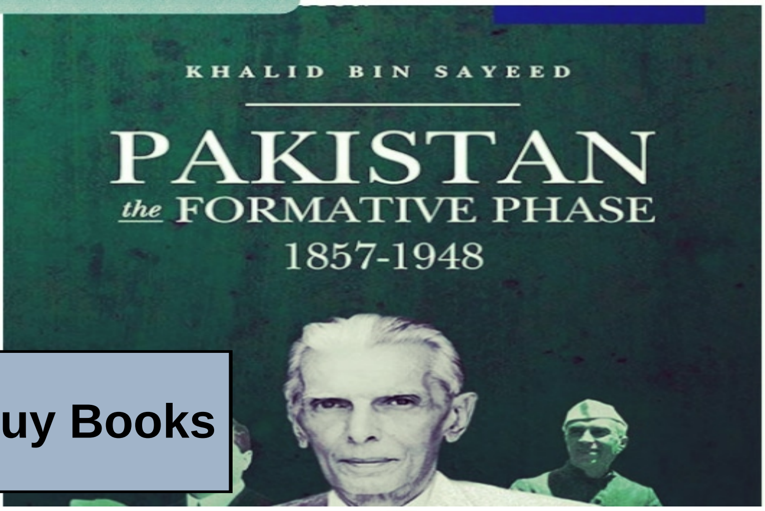
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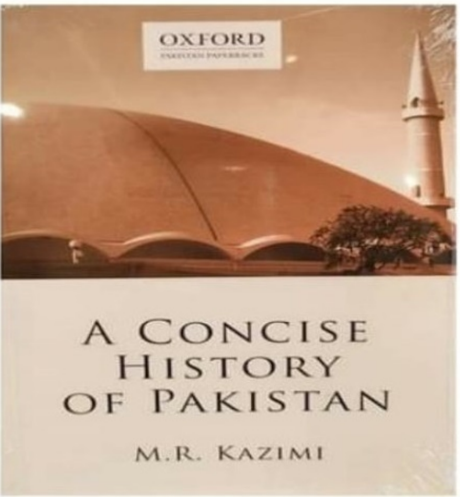
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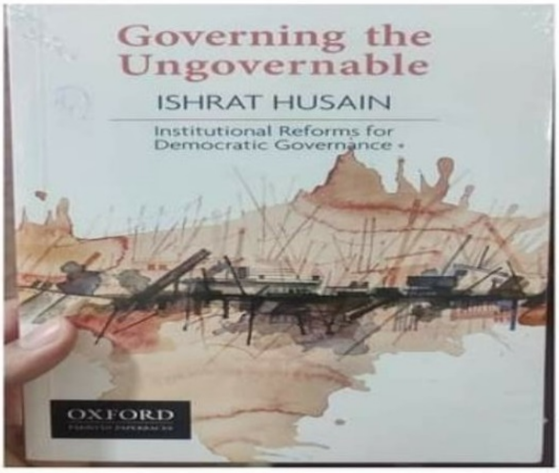
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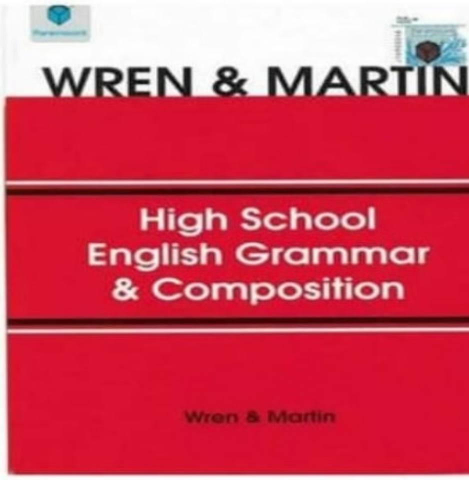
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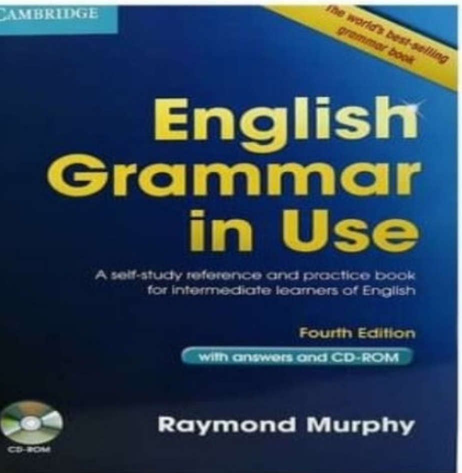
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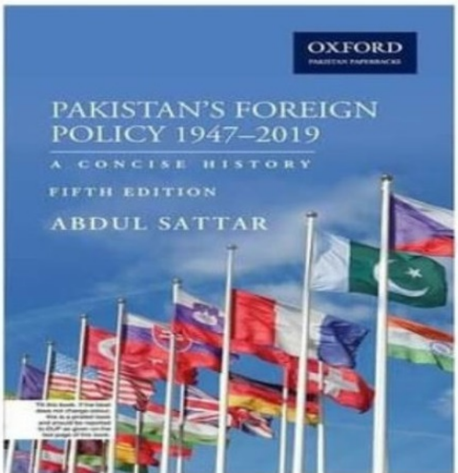
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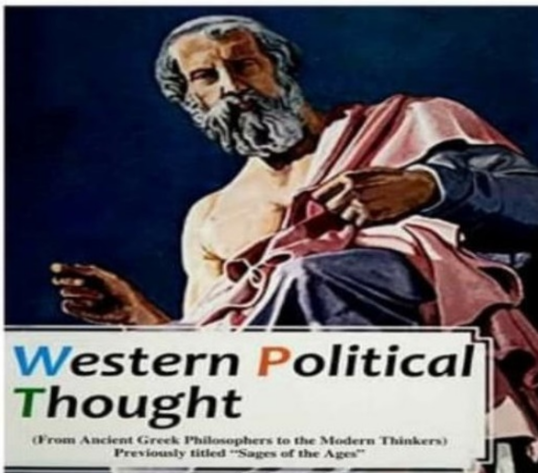
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His Times:

No account of al-Ghazali's political theory would be complete without keeping in view the conditions of the Muslim World in his times. Several factors were at work in the Islamic World. Firstly, the Abbasid Caliphate was in a State of utter decrepitude. A century earlier, in the days of al-Mawardi, it was still a force. But it had lost all political influence in al-Ghazali's time. However, there was one difference. While in al-Mawardi's days, the Abbasid Caliphs were mere puppets in the hands of the Shi'ite Buwayhids, their new masters, the Seljuk Sultans, who were Sunnis, showed great respect towards them. Nevertheless, the Caliphate was now only a religio-spiritual office, without any political influence. Secondly, the Seljuk Sultans were the real rulers of the eastern regions of the Islamic World. Recognising their supremacy, al-Ghazali declared sultanate or the sovereign power of the sultan or king as the protector and defender of the Caliphate, an institution which he considered essential for the unity of the Islamic World. Thirdly, the challenge of the Shia rulers of Egypt, the Fatimids, was still a threat to the Abbasid Caliphate. Lastly, a new danger had appeared in the very heartland of Islam i.e., in Palestine and Syria. It was the incursion of the West European Crusaders or the Christian warriors of the Cross. They had established the kingdom of Jerusalem and threatened to advance on to other Muslim lands. It was in such perilous conditions that al-Ghazali expounded his theory of caliphate as the defender and champion of the unity of that Islamic World.

His Method:

In his political thought, al-Ghazali sought inspiration from both Islamic and non-Islamic sources, such as those of ancient Persia. For instance, in his *Naseehat,* he made "impartial use of examples attributed to Arab Caliphs and Sassanid Kings, to Sufi saints and ancient Persian sages; they (Muslim writers like al-Mawardi and those who came after him) Islamize Zoroastrian maxims such as "religion and empire are bothers"; and they assume rightly or wrongly a substantial identity and continuity between Sassanian and Islamic State institutions".[35] This is one reason why we find frequent reference to the Greek, Persian and Indian stories in his writings, far more than we find in al-Mawardi's writings Thus while admonishing the Seljuk Sultan, he said that "he should hear the sayings of the kings, ponder over their doings, study their stories as related in books and try to copy their acts of justice and benevolence."

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[35] **Cf. Muhammad al-Buraey. Administrative Development: An Islamic Perspective, p. 276 KPI London 1985.**

His Theory of Caliphate:

According to al-Ghazali, the Khilafat is a divine State which "is required not by reason but by the Shariah or divine law." He thus denied the philosophers the right to examine the nature of the Caliphate. He further says that politics exists for "man's welfare in this world and bliss in the next, attainable only if government is rooted in the legal science and completed by the political science *(Uloom e Sharia* and *Uloom e Siyasiya)"*.

While the practical affairs of the State are to be left to the sultan or amir or the ruler, the imam or Khalifa should devote himself to religious and spiritual functions, for he is the "shadow of Allah" on earth He should, therefore, be modest, simple and just, for he is a fountain of justice Al-Ghazali writes that Shafiq al-Balkhi, a learned ascetic, once said to Haroon ar-Rashid, the great Abbasid Caliph: "you are a fountain and the other officials, who help you to govern the world, are the streams which flow from it. If the fountain is clear, there can be no damage from silt in the channels; if the fountain is turbid, there will be no hope (of maintaining) the channels.[36] Al-Ghazali adds "This and a number of other anecdotes from the history of Hajjaj bin Yousuf, Haroon ar-Rashid, Mutahid Billah and other rulers are given to indicate the respect of the sovereigns for those who excelled in learning and the sciences, and equality between the ruler and the ruled which was the ideal set up in those days (of early Islam)"

Al-Ghazali enjoins on the Khalifa *(imam)* that he should confine himself to religious duties in the strict sense and to concentrate on the study of the Shariah and practise the religious virtues of piety, humility, charity and compassion, for he was the *Khalifat Allah.* By the way, in this respect, it was an innovation on the part of al-Ghazali, for the Khulfa-e-Rashideenرضی اللہ عنہم never claimed themselves to be *Khalifat Allah;* instead they claimed to be Khalifat ur-Rasul Allah. Anyhow, al-Ghazali says that the Khilafat (caliphate) is necessary because it protects the Muslim World from internal and external dangers. In fact, "the good order of religion is possible only through the good order of the world", which, in its turn, is dependent on an "imam who is obeyed". And by *Imam* he meant the sultan, as he said a few lines later. Quoting a Hadith of the Holy Prophetﷺ, he said further that "din is the foundation and the sultan is the guardian."

Duties of the Imam or Khalifa;

Al-Ghazali has enumerated ten duties of the *Imam* or *Khalifa.* These are as follows:

1. He must have the ability to wage jihad or holy war.

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[36] Ibid pp 276-77

2. He should discharge the duties of government and administration, called *kifaya in fiqh* or Islamic jurisprudence, even though indirectly, through the experts and a conscientious vizier.
3. He should have knowledge or *Ilm* for purposes of *ijtihaad*. In this respect al-Ghazali advises the imam to consult the *ulema* or religious experts.
4. He must be pious. Indeed, piety is an important duty, for although a caliph might not have political power, he must be a religious leader and preceptor of the people.
5. He must do justice *(adala)*, which is, indeed, the highest form of *ibada* or worship. Knowledge and application of *Shariah* are the caliph's sure guides in his august office. Knowledge and *ibada* guarantee the good order of religion *(nizam al-din)*.
6. He must study the *Shariah*.
7. He should practise the religious virtues of piety, humility, charity and compassion as the *Khilafat* Allah.
8. He should meet men of calibre and encourage them to speak about the affairs of the State.
9. He should see that his servants, magistrates and other officers perform their duties diligently; and
10. He should not give himself up to the deceptive feelings of pride.

Ibn Khaldun: His theory of Caliphate

His Life Abu Zaid Abd ar-Rahman ibn Khaldun was born at Tunis on May 27, 1332 in an Arab family, which had dwelt for nearly five centuries at Seville in Muslim Spain. When driven out from there by the Christians, it settled in Tunis in North Africa. It was a family of scholars and jurists. After receiving education at home with renowned scholars, Ibn Khaldun at the age of twenty began to participate in the political life of the petty kingdoms of North Africa and even of the Muslim kingdom of Granada in Spain. Though he aspired to high office in the service of these Muslim kingdoms, but he rarely succeeded in holding it for long, partly due to his restless energy and partly due to the intrigues of his enemies. The result was that Ibn Khaldun was always moving from kingdom to kingdom, and from city to city, in search of employment and security. He was a very keen observer of human affairs and motives and was of scholarly bent of mind. In his hectic life, Ibn Khaldun got only four years of peace and solitude when he took refuge in a castle under the protection of a powerful local tribe. He was then more than forty yeas of age, and wrote his famous book *Muqadimah* (Prolegomena) and completed the first draft of his *Universal History of the Arabs, Berbers and Persians.* At the end of four years, he again returned to Tunis, but found the place too hot for him. He then went to Egypt, and then ruled by the Mamluk Sultans. He held from time to time the office of the Chief Qazi of the Maliki fiqh. On a visit to Damascus, he met Temoor the Lame, who was then on his world-conquering campaigns. Impressed by Ibn Khaldun erudition, Temoor invited him to join his service, but he politely refused He was then allowed to return to Cairo where he died in 1406.

Ibn Khaldun was a historian, a political scientist, a scholar of Islamic law and the founder of the science of civilisation or *Imranyaat,* a new science, as he called, which is now called the science of sociology. But here we are only concerned with his theory of the caliphate.

Three States of Ibn Khaldun.

As we have said above, al-Mawardi and al-Ghazali wrote at the time when Abbasid Caliphate still existed, though it was dominated by the political power of the Buwayhid Emirs and Seljuk Sultans. But by the time of Ibn Khaldun, the Abbasid Caliphate had long ceased to exist, while the title of "Khalifa" was assumed by various other Muslim rulers, such as the ruler of Muslim Spain, Fatamids Egypt, etc.

Ibn Khaldun distinguishes four kinds of States or Governmental Systems (Siyasah) as they had developed in the history of Islam. They are,

1. *Khalifa* or Divinely-inspired Islamic Ideal State.
2. *Mulk* under *Shariah* or State under Divinely promulgated Law;
3. Mulk under Siyasah Aqliya and Qwaneen Siyasah.
4. *Siyasah Madaniyah.* It was another hypothetical State, imagined by the philosophers, like Farabi and Ibn Sina. But Ibn Khaldun does not discuss it further because it is merely hypothetical and speculative and had never existed in actual life and history.

We shall now consider each of these three kinds of States, as described by Ibn Khaldun.

1. ***Khilafat.***

It was the ideal Islamic State, established by the Holy Prophet under Divine Guidance of the Quran and maintained by the four *Khulfa-e-Rashideen*ؓ (Orthodox Caliphs). The Holy Prophetﷺ was the supreme lawgiver and provides it in the *Shariah* for human welfare in this world and salvation in the next. The believer who obeys this Law has the *wasi* or restraining authority in him for it is derived from the supreme law of Allah, as revealed to His Prophetﷺ. Writes Ibn Khaldun, "His (the law-giver's) intention is not to forbid or blame man's deeds or to destroy the forces (like *asabiyah)* altogether which produce them, but rather to change their direction towards the aims of truth as far as possible, so that all attentions become right and the direction (of man's desires and plans) a single one, i.e. to Allah and the Hereafter." The Khilafat was the Ideal Islamic State, which lasted till the end of the reign of Hazarat Ali, the fourth and the last of the Orthodox Caliphs. Thus the Khilafat had two forces: the prophetic *Shariah* and the *asabiyah* (to be explained presently). He writes. "If he (the Law-giver) eliminated it (the asabiyah), the laws would become inoperative, since they can only fully function with the help of the *Asabiyah."* As the *Khilafat* was based on the divinely revealed law the *Shariah* of the Prophet its government was a religious one, which he called *siyasah diniya.* As distinguished from *siyasah aqliya* or rational government, which is the basis of the *Mulk* or absolute monarchy, the next kind of the State, as defined by Ibn Khaldun. It is an inferior form of government to the Khilafat, the divinely guided State by the Holy-Prophet, the supreme law-giver. In the Divinely-guided State, a man can attain his supreme good, which is his happiness in the Hereafter, as the way of Allah. But when the influence of the *din* or religion declined among the people, the Ideal State of *Khilafat* was replaced by Mulk or absolute monarchy

2. *Mulk under Shariah:*

Ibn Khaldun gives a graphic account of how the ideal Khilafat was transformed into an inferior Muslim State, which he called *Mulk under the Shariah.* Although the outward form of the Khilafat was preserved, but its inward form was changed. He writes, "This was the case in the time of Muawiya, Merwan and his son, Abd al-Malik, as well as in the early days of the Abbasid Caliphs up to the period of Haroon ar-Rashid and some of his sons. Then the characteristics of the Khilafat disappeared; nothing but its name remained and the State became a Mulk pure and simple." Though not so good as the Ideal Islamic State, it was, nevertheless, the second best. The reason was that it was still governed by the divinely promulgated Shariah. This change was brought about, firstly, by asabiyah or loyalty and solidarity of the clan and tribe, becoming a force in the politics of the monarchy (Mulk), but also due to the rise of the urban life among the Muslims, something which they did not know under the Orthodox Caliphate. With the rise of urban culture and civilisation among the Muslims of the Umayyad and Abbasid Caliphates, the character of their State also changed. Then the wasi or restraining authority, which checked man from violent and destructive ways of life and activities, was no longer inside the man as was the case under the Khilafat, but outside in the laws and authority of the *malik* or ruler. Moreover, the Shariah was no longer the creative force as it was earlier, but a matter of science and instruction. "It is thus clear that the laws of the government and the instruction of the *wasi* are external. As the Shariah was interpreted by the ulema, it did exercise the restraining authority of the external *wasi*".

3. *Mulk* under the *siyasah aqliya:*

The last State in the evolution of the Muslim State was, according to Ibn Khaldun, the Mulk or absolute monarchy under its rational regime, *siyasah aqliya,* and political laws, *qawaneen siyasah.* It was absolute monarchy on the pattern of the ancient Persian rulers. Really, it is not an Islamic, but a Muslim State. Under it, *Shariah* was merely a routine matter of religious injunctions, rites and rituals; the authority of the ulema to interpret it had ceased, or rather, it was confined to the duties of the judge or *qazi* and *the fatawa* of the *muftis or* juris consults, who were under the political authority of the ruler, that is, of his reasons of State, called *siyasah aqliya* by Ibn Khaldun. The *Mulk* or monarchy came into being by the force of the *asabiyah* of *the* tribe or tribes who had founded it. But after two generations, the asabiyah of the founding clans and tribes of the ruling dynasty vanished and its political authority or power was now based only on the force of the sword which the ruler could wield and on his paid troops whom he maintained by taxing his subjects. However, this was the last stage in the four-generation cycle of the ruling dynasty, whose oppressive and luxury-loving rule was now detested by the people. At last, a new nomadic chief, supported by the *asabiyah* of his tribes succeeded in defeating and crushing the degenerate dynasty and in establishing a new dynasty and monarchy of its own. Thus, the history of the *Mulk* under the *siyasah aqliya* says Ibn Khaldun, is the history of the endless cycles of the rise, glory, decline and fall of the dynasties, which did not last more than four generation or thereabout, even though these absolute kings or emperors might style themselves as caliphs. In conclusion he says that the State gives rise to civilisation and culture, which, in their turn, provide wealth, ease and luxury to the rulers, who become degenerate and are, therefore, defeated by their nomadic neighbours who are still strong in *asabiyah* or group solidarity and in manliness of character "Reflect" says Ibn Khaldun," on the deep significance of this (for it is hidden from men) and know that these are matters which stand in a relationship with each other, namely the position of the State (Mulk) as to strength and weakness, the numerical strength of the State or tribe, the size of the city or region, the degree of ease and wealth in life."

Chapter 14

Theories of the Nature of the State

One of the most important questions in Political Science is regarding the nature of the State. In this respect, there are three kinds of views, which may be classified as the monist, dualist and pluralist theories of the nature of the State.

The monistic view of the State is that it is a single, unified whole, while the individuals who compose it have no separate and independent existence of their own, but are part and parcel of the State in which they live. They exist merely as "atomistic units in the whole mass, each dependent on the other and upon the whole for its continued existence". They have no individuality of their own, while the State has a personality of its own: "the individual is fleeting, the State is everlasting, the leaves wither, the tree stands". The monistic view of the nature of the State is expressed in several theories, such as, (i) the Organic or Organismic Theory. (ii) the Idealist Theory, and (iii) juridical or Personality Theory of the State. We shall describe them here below. This view is also upheld by such other theories as Marxist Socialism and Communism, which we shall deal with in a subsequent chapter.

The pluralistic or monadistic view of the State is just the opposite of the monistic view. It regards the State as a composite body in which the individuals have distinct and independent existence of their own while the State exists merely as a convenient contrivance or mechanism to protect the weak against the strong. The extreme monadistic view rejects the State altogether and regards the society as a mere aggregation of individuals, each of whom can exist and flourish without the aid of the State. Every individual is thus a self-contained unit or *monad* which, does not depend on other for his existence and survival. This view is found in such theories as pure individualism, anarchism, and in some socialist theories, like Guild Socialism. It is also upheld by the pluralistic theorists of sovereignty. We shall deal with them in subsequent chapters.

In between the two extremes of monism and pluralism is the third view, the dualistic view of the State. It is a compromise between them. It regards both the State and the individual as distinct but interdependent. According to it, each individual has a life and needs of his own. But he also depends on others for his welfare. Neither he is completely merged into the State, nor he is entirely isolated from or independent of it. This view is upheld by several theories of the State and politics. It is difficult to name them, but such theories may be cited as examples: Locke's theory of social contract, the *laissez faire* Individualism, the English Utilitarianism, the Mechanistic Theory of the State etc. We shall deal with them in subsequent pages.

THE ORGANIC OR ORGANISMIC THEORY

It is one of the oldest and most popular theories of the State. It was propounded by ancient philosophers, medieval writers and modern thinkers. For instance, Plato compared the State to human individual and said that the best-ordered commonwealth was one whose structural organisation resembled most nearly in principle to that of the individual". In modern times, many thinkers regard the State as an organism. The Swiss writer Bluntschli asserts that the State is the very "image of the human organism", and even personifies the State as masculine in character. There is, however, one difference between the ancients and the moderns. The former believed that the State resembled an organism, while the latter assert that the State *is* an organism. From an analogy or comparison between human society and State with living organism, it became a fashion in modern times to identify the two as one and the same kind of organisms. The result was that Political Science was made a branch of natural sciences, especially of biology, instead of being a branch of social sciences.

What is an Organism?

An organism is a living body, e.g. an animal or a plant, which consists of various parts, each one of which exists upon the proper functioning of the other parts as well as of the whole. The characteristics of an organism are (i) a union of body and soul, *i.e.*, of material elements and vital forces. (ii) an organic and interdependent unity of each part or member to the whole, (iii) each part or member has its special functions, but they sub serve the common needs of the whole; the functions of a part are for the good of the whole, *e.g.*, the hand or liver works for the common needs and purposes of the whole body, and (iv) the power of growth.

Description of the Organic Theory:

The Organismic Theorists assert that the State has the same characteristics as a living organism has. The State is a living organism of which the individuals are the cells or parts The State has common purposes and ends which the individuals sub serve by their individual capacities. The individual exists only in the State. His existence depends upon the State. Like an organism, the State also grows from simple to more complex forms, by division of labour and specialisation of functions.

The advocates of the organic theory hold that there is a striking resemblance, 'even identity, between the State and animal organisms in every respect, such as in origin, structure, and functions. (1) *Origin.* Both the animal and social bodies begin as germs or simple organisms but in course of time they develop into complex structures; thus both grow from simple to complex structures. (2) *Structure*. Both the animal and social organisms have parallel structure or organization. The digestive system is the sustaining system in animals. The industrial system is the digestive system of the State. The circulatory system of the blood is the distributory system of the animals, while the same function is performed by the transportation system in the body politic. The nerves and brain are the regulatory system in animals, while the government performs the regulatory function in the State. The Swiss writer, Bluntschli, went a step further and said that like the animals, the State has also sex. The State has masculine, while the Church has feminine qualities. (3) *Functions*. The most significant and fruitful implication of the Organic theory is found in respect of functions. All the different parts and organs of a living organism perform their functions in relation to the common needs of the whole organism; none of them can exist without the whole. The same co-existence is found in the body politic. Just as the hands and feet are parts of the human body, so the individuals are the parts of the body politic "As it is impossible to consider that the hand has separate existence from that of the body, so it is impossible to divorce the individual from society" The individual exists in the State and the State exists in the individual.

Herbert Spencer's Organic Theory

The organic theory of the State received its most consistent and systematic treatment at the hands of the English philosopher, Herbert Spencer. He described it in his book, *Principles of Sociology* (1880). Here is a brief exposition of his theory:

1. *Individual is the cell of the State.*

As the body is composed of cells, so the State consists of the individuals. In both cases the component units contribute to the life of the whole.

2. *Parallelism in growth and development.*

Both, the animal organism and the State exhibit the same process of growth and development In both, the process of growth is from the simple to the complex, and from the similar to the dissimilar Both begin as germs, and as they grow, they become more complex "As the lowest type of animal is all stomach, respiratory surface or limb, so primitive society is all warriors, all hunters, all builders, or all tool-makers." The society develops by differentiation of functions and division of labour, just as the animal body has also evolved in the past.

3. *Functional inter-dependence of the parts.*

In each case there is a mutual dependence of parts. Their functions are interrelated. The health of the body depends upon the proper functioning of the parts. If a part becomes diseased, it affects the health, vigour and proper functioning of the other parts. So is the case of the State. The various classes and organs of society depend upon each other's functioning. "If the iron worker in the social organism stops work, or the miner or the food producer, or the distributor fails to discharge his natural functions in the economy of the society, the whole suffers injury just as the animal organism suffers from the failure of its members to perform their functions".

4. ***Structural parallelism.***

Spencer gives us an elaborate comparison between society and organism in regard to their structure. An animal organism has three parts, *viz.*, the sustaining system, the distributory system and the regulating system. The sustaining system consists of the mouth, stomach, intestines, etc. and enables the living body to digest food. The distributory system consists of the heart, the blood vessels, arteries, and veins, and circulates or supplies blood to all parts of the body. The regulating system is the nervous system and consists of nerves and brain by means of which the activities of the different parts of the body are regulated and controlled

The State also has three corresponding systems. Its sustaining system is the industrial or productive system, which consists of agriculture and industry. Its distributory system is the means of communication and transport in the State. Its regulating system is the governmental system.

5. ***Spencer finds yet another resemblance between the State and the organism i.e., in the wear and tear and the renewal of the both.***

The animal body is constantly renewed by decay and wear and tear of its old cells and tissues and by the formation of the new ones. Similarly the old and diseased individuals die and younger generations take their place "Thus like the animal body, the State also maintains itself permanently. It is, therefore, ever-lasting

Difference between the Organism and the State.

From the points of resemblance and similarity mentioned above, Spencer concluded that the State is an organism, which is subject to organic laws of growth, decay and death. But Spencer was forced to admit that the analogy between the two is not complete, that there are at least two main distinctions between them.

1. The animal organism is *concrete* in structure; its different parts form a complete whole. All parts, limbs and cells of the animal body form one continuous and complete whole. On the other hand, the State or society is-*discrete* in structure; its units or individuals are separate and distinct and "are more or less widely dispersed".
2. There is no single centre of consciousness in the society as there is in animal or human body, which Spencer calls the "nerve sensorium". Every individual member in the society has his own consciousness and can act for himself or herself independently of others.

3. From these "fundamental differences" Spencer must have, logically, concluded that the State or society is not an organism, like an animal, plant or human body, and therefore must have given up his theory But he utilized these differences not only to support the organic theory but to adopt them as a justification for his theory of Individualism. He argued that owing to the discrete nature of the State, it must not interfere in the activities of the individuals, who should be free to pursue their own good as they think best. It is only by non-interference or *laissez faire* policy that the State can promote the good of the individuals for whose good or welfare it exists.

Criticism of Spencer's Theory.

Spencer insisted on regarding the State as an organism, although his conclusions could not be supported by the facts of the case. Firstly, he found only-resemblance or similarity between the State and the organism, but could not prove that they are identical in nature. Analogy is no proof. Secondly, the main weakness is that even the resemblance is not complete. Spencer was himself forced to point out two chief differences between them. Natural organism is "concrete," while the State is 'discrete' in structure, and that there is no one centre of consciousness in the State This lack of consciousness and will on the part of the cells of the animal organism, and its presence in the human individuals is one of the instances where the analogy breaks down. We may, therefore, conclude that by insisting upon the identity or likeness of the State and the organism which he failed to prove in all respects, Spencer has, as Barker puts it. "Hid his head in the sands of metaphor".[37]

Criticism of the Organic Theory.

We may briefly describe the defects of the Organic theory of the State as presented by Spencer and other advocates of this theory

1. ***Individuals are not like the cells in a natural organism.*** Every individual has a will and consciousness of his own, but the cells do not possess them.

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[37] "When we speak of an organism we mean (1) a living structure composed of parts different in kind (2) that those parts by reason of the difference are complementary to one another mutually dependent (3) that the health of the whole consequently depends on the healthy discharge of each parts of its own proper function The stale is, not an organism, but ii is like an organism It is not an organism because it is not a physical structure It is a mental structure a union of different minds in a common purpose But this mental structure is like an organism, because...the attainment of the common purpose depends on the discharge of reciprocal functions by the different parts," Ernst Barker, *Political Thought in England from Spencer to Today. p.107.*

Man possesses mind, but the cells do not. In this respect there is no resemblance between an animal body and the State or society. As Spencer has himself point to out, the former is a 'concrete' whole, while the latter is a 'discrete' one.

2. ***An individual has a life of his own and can exist without the State,*** but the cell or any other part of an animal body or plant cannot exist at all if it is cut off from the body If it is said that there are some plants whose small parts, if cut off and planted once again, can grow and become full plants, even then the analogy breaks down, because if the individuals are separated from the State, they may not develop into a new State.

3. ***The State is not an organism in the physical sense.*** If we regard the State as consisting of the individuals, then each one of them is himself an organism. In this case the State is a strange monster; it is an organism consisting of innumerable organisms. If we regard the State as consisting of various associations, then it is one among many organisms.

4. ***Unlike the living organisms, the State has no process of birth, growth, decay and death.*** The State does not grow; it changes. An organism comes into existence by the union of two organisms, male and female, but a State is not born in this manner. All organisms grow from within and their growth cannot be influenced much by external environment. But the State does not grow due to some internal, unconscious and natural forces. It changes by the conscious efforts of its members and due to the needs and requirements of the people. A plant or an animal cannot stop its growth even if it tried to do so, but the State will not change or develop if its people do not like change or progress. Lastly, organisms die, but the State is permanent. "Growth, decline and death are not necessary processes of State-life though they are inseparable from the life of the organism. The State does not originate or renew itself as a plant or an animal does". Here, again, the organic theory is proved to be false and misleading, because the supposed resemblance or parallelism does not exist in fact.

5. ***State is a social organisation, and not a physical organism.*** The State is a concept, an abstract entity, while the organism is a concrete body. We can observe the animal body and study its parts or cells under a microscope, but we cannot see the State and say, "There goes the State so-and-so," or put any part of it under a microscope.

Political Value of the Theory

The organic theory of the State has, however, some political value. It emphasizes and illustrates the interdependence and mutual relationship between the State and the individual. In this respect, it is a useful warning against mechanistic theories of the State, such as the social contract theory of the 17th and 18th centuries Historically speaking, it was a natural reaction to the social contract theory, which asserted that the State is a mechanical device, set up by men for limited purposes, and that the State has no natural or intimate relation to the individuals The organic theory corrected this tendency and showed that the State is natural to man, and is intimately related to him. He cannot exist without the State. Further, it shows that the State is not a mechanical contrivance, but has a natural growth and cannot be so easily changed or destroyed as the social contract theorists believed.

But the organic theory has also its dangers, its political disutility. If properly used, it is a useful warning and an instructive illustration of social and political bond between the individual and the State. But if carried to an extreme, it becomes dangerous to individual liberty. It makes the State the end of which the individual is a means: as the cell exists for the body. So the individual exists only for the State. Such a theory denies freedom of the individual and leads to fascism and authoritarianism

Not a trustworthy guide to State activity.

The organic theory is not a trustworthy guide to State activity. The only value of this theory lies in its emphasis on the unity of the State, and the inter-dependence of the State and the individual which is neglected by too mechanistic theories of the State. But even this value is futile and useless, because this theory is liable to much abuse. In the hands of Herbert Spencer it became a justification for *laissez faire* Individualism, but in the hands of its German exponents, it became a justification for excessive interference and regimentation of the individual's life by the State The theory seeks to idealise the State. To some extent this idealisation is good, because it infuses the spirit of patriotism and service to the State But pushed to an extreme as it must, it becomes dangerous. Then the theory becomes a justification for blind and passive obedience to the dictates of the State which opens the way to despotism, totalitarianism and fascism. Idealism becomes idolatry, abases the individual, and makes man an automaton, a cog in the wheel of the State, without will or liberty of his own. By accepting this theory, as Laski puts it, the will is paralysed and the liberty of the individual destroyed. It lays emphasis on automatic growth of the society or State, which will take place without any effort or will of its individual members. Thereby it creates feelings of passivity and fatalism. It does not inform us about the sphere of activities of the individuals, nor about that of the State. It does not tell us what the State should do. Its advocates are themselves divided as to what should be the functions of the State in the light of their theory. They use it to justify individualism or socialism, *i.e.*, either too few functions or too many of them. We may, therefore, sum up that this theory is "neither a satisfactory explanation of the nature of the State nor a trust worthy guide to State activity".

THE IDEALIST THEORY OF THE STATE

Origin and History of the Idealist Theory.

Idealism is an old theory. Its origin can be traced to Plato and Aristotle. Plato presented an 'ideal' State in his famous book *"The Republic"*. Both Plato and Aristotle regarded the State to be self-sufficing and held that in the State alone the individual reaches his highest development. However, this theory was best expounded by the German philosophers of the 18th and early 19th centuries, especially by Kant and Hegel. Hegel's exposition of the Idealist theory had a great influence on the subsequent German thought and to a lesser extent on the English thinkers, like Green, Bradley and Bosanquet

Its main principles.

The Idealists regard the State as an end in itself and the individual as a means to the end. Hegel declared that the State is a "perfected rationality" and an "absolute fixed end in itself. It is only in the State that the individual can be at his best, and raise his outward self to the level of his inward self. Out of the State, the individual is nothing, and against it he has no rights. In this respect, the Idealist have the same attitude towards the nature of the State as the Organic theorists, but with one difference the Idealists regard the State as a person, while the Organismic thinkers believe it to be an organism. Nevertheless, both regard the State as an end and the individuals as means to that end.

Will of the State is the real will of the individual.

German and English idealists were very much influenced by Rousseau's doctrine of the General Will. They hold that the State is a person and has a will of its own. It is the "general will" in which all wills are included. The will of the State is the real will and represents the good of all. On the other hand, the will of an individual is particular, transient and temporary. The individual must always obey the laws of the State, because they embody the will of the State which is the will for the good of all. The actions of the State are always right and never wrong. What the State does represent the things that we would have done if we had known what was best for us. Hence, if the police arrest a man, it is not the police that are arresting him but his good self arresting his evil self. When an individual obeys the State, he really obeys his best self.

Personality of the State and its Absolutism.

The Idealists proclaim the reality of the State and of its rights as against the individual and his rights "The individual is fleeting, the State is everlasting, the leaves wither, the tree stands". The State is a reality, while the individual is a temporary actuality The State has an existence of its own,

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distinct from the individuals composing it. It has a will and interests which are distinct from the wills and interests of the people. The State has rights of its own, while the individuals can have no rights against it. The State exists over and beyond them as a sort of super-person. The State is not bound by the international law. It has its own standard of morality. 'The State is an entity over and apart from the people who compose it, with a real will and personality of its own"

Deification of the State.

The Idealists deify the State as a god. They have surrounded it with mystic power and awe. Hegel goes so far as to say that the State is the march of God on earth, and that the individuals should worship it. According to him, the State is the temple, the ruler is the idol and the people are the worshippers Hence the State must always be obeyed. It is omniscient, omnipotent and omni-competent. Rebellion and revolution are never justified. Following the teachings of Hegel, his German disciples, Nietsche, Bernhardi and Treitschke glorified and apotheosized the State. Treitschke says that "the State is power and our duty is to fall down before it and worship it". If the State calls upon its citizens to sacrifice their lives for its glory and greatness, they must do so most ungrudgingly. It is from such teachings of the deification of the State that the glorification of the State and war began in Germany which led straight to Nazism and militarism in Hitlerite Germany and to the World War II.

Identity of the State and society.

One of the postulates of the Idealists is the identity of the State and society. They believe that the State is the only guarantee of all progress in civilisation and culture, and that the State comprehends all aspects of social life. Like the Organismic theorists, the Idealists also make no distinction between the society and State or between the social and political life of man

Criticism.

The Idealist theory has been subjected to severe criticism, as under:

1. ***An abstract theory.*** It is said that it is an abstract theory. It describes a State which does not exist anywhere in the world. It may be laid up in heaven but it is not established on earth. It is also pointed out that the Idealists merely idealise the actual State and attribute to it a degree of perfection which it does not possess.
2. ***Idealist theory is based on a wrong premise*** and a false postulate, namely, the identification of the State and society. No doubt, the State is necessary to some extent for progress and civilisation, and to that extent loyalty and sacrifice are desirable. But to push loyalty to an absolute degree of sacrifice and abnegation of the individual's rights and freedom is dangerous. "It is true that the

State is al present necessary to society, but it is only one of its conditions. The skeleton is necessary to the human body and in a sense holds it together, but it is hardly that which constitutes the life of the body, still less that which makes life of the body desirable and beautiful". Moreover, there are many things and many relations in society which neither owes origin nor their existence to the State. Some of them even go beyond the territorial sphere of the State. For instance, family existed long before the State came into being: friendship has nothing to do with the State; religion and church exist independently of the State, and go beyond its territories in many cases. Similarly, some economic organisations are world-wide, such as the GATT. The State is, therefore, not self-sufficing and all-embracing. It does not comprehend the whole sphere of human life and does not support the entire fabric of society. As Joad said, the Idealist theory is obviously false when it postulates the identity of the State with the sum-total of human society.

3. ***The absolutism of the State rejected.*** The Idealists claim that the State is an end in itself, that is, it is absolute, omnipotent and omnicompetent. This claim is based on the principle of the identification of the State with society. But we have seen that the State is not identical with the sum-total of human society. There are several associations which have as much, if not greater, claim on the loyalty of the individuals The State is not a greater being, nor a super-personal entity It is not an end in itself, but a means to an end, which is the greater welfare and good of the individuals. The State is no doubt a mighty instrument for doing well to the people. But the instrument is never greater than the people. If it contributes to their welfare, it has then a claim on their loyalty, otherwise not. It sounds strange that the State has "ends superior to those of the single individuals composing it," for the questions is: What is that end of the State^0 Is it not the welfare and happiness of the people? If not, then the State has no *raison d'etre,* no rational ground for existence. It will lead to the despotism and glorification of the rulers, or of a dictator, as in Nazi Germany.

4. ***The State cannot represent the real will of the people.*** The Idealists argue that the State embodies the real will of the people. But really the will of the State is the will of the ruling classes. The Idealist idea of 'real will' is wrong and untenable. How can we say that the will of the State is real, while the will of the individual who is oppressed and tyrannised by the State is not so? What we find in modern life is not the one will but many wills, often

opposed to each other, of which the will of the rulers or the State is only one.

5. ***Idealist theory denies the rights of the individual.*** It is not true to say that the individual has no value or life is a part from that of the State To accept such a view is, as Laski says, to paralyse the will and to make the State despotic, oppressive and tyrannical. Indeed, the idealist theory by advocating passive and blind obedience to the actual rulers has paved the way for despotism and fascism in modern times. In a State where the individual cannot question the legitimacy of the State, he becomes a mere slave. The idealist theory merely idealises, glorifies and deifies the State. It does not describe the State as it actually is or should be.

6. ***The Idealist theory denies the individuality*** of the human individual ridicules his freedom, belittles his personality, and makes him a mere cog in the machinery of the State It subordinates him to the dictates of the State but it does not solve any problem of Political Science It merely buries its head in the sands of such high-sounding words and phrases as "universal reason" "spirit", "real will", "perfected rationality", "the divine idea as it exists on earth", etc, etc Yet none of them enlightens us about the problems of the State and the individual What we actually find is that often the States are imperfect, the rulers are oppressive, the laws are inconsistent, the class conflicts are rampant, and that there is great misery, injustice "and maladministration. These evils and shortcomings can be remedied not by deifying or glorifying the State, but by questioning and criticising it. The Idealist theory does not guide us in this endeavour. The need is not to worship the State but to improve it.

JURISTIC THEORY OR THE PERSONALITY THEORY OF THE STATE

Another theory that the State is a monistic entity with a will and power of its own, distinct from and existing above the wills of the individuals composing it, is the Juristic or juridical theory of the personality of the State. It was expounded by the jurists and in its extreme form by the German jurists, at the end of the 19th and the beginning of the 20th century. They were Gierke, Treitschke, Bluntschli, Jellinek and the English jurist, Maitland.

In the eye of law, the individual is a 'person' in the sense that he has a will, rights and duties; he can do something which law recognises as his 'right'. Jurists have also long recognised that there are certain "artificial" persons, such as corporations, which have some 'rights' and 'powers' recognised by law. The 'artificial personality' of the corporations is, however, a legal 'fiction', useful in its own way. But some of the jurists, especially the German jurists, have further asserted that the State is a juristic or juridical personality, endowed with a will, rights and powers of its own.

The State, according to them, has a will of its own and can act in the same way as does a human being. The will of the State is distinct from the sum of the wills and interests of the individuals composing it. Moreover the personality of the State is not artificial or fictitious but real, just like the real personality of an individual. So the State is a super-person, a group-mind. The advocates of the Personality Theory illustrate the real personality, will and rights of the State by referring to fact that it owns property, enters into contracts directs economic enterprises, and can sue or be used in law courts.

Merits of the Personality Theory

If understood in a proper sense, the theory has elements of truth in it. The State is an association. Like some juridical associations, which are called corporations and are legally endowed with rights and duties as corporate bodies, the State is also regarded as a corporation endowed with rights and powers. In this sense, it is a far more important corporation than others, for its legal personality determines the rights and duties of all other corporations The State has rights, powers, interests and will, which are not the rights, interests or wills of the individuals who compose it The State owns property, enters into contracts, collects taxes, undertakes economic enterprises, takes loans and does many other things in its corporate capacity. Moreover, these powers are not fictitious but real. These are not merely created by law, but exist because the State is a sovereign association.

Defects.

The chief defect of the Personality Theory is that it regards the State as a real personality, existing over the wills of the individuals who compose it. The corporate nature of the State is a fact, but this fact does not make it a real personality, acting and willing like a natural personality, as that of a human individual. The will of the State is in fact the will of those who govern it; and to speak of the rights of the State is really to speak of the rights and duties of those who govern it. The Personality Theory, therefore, neglects the distinction between the State and government. The State is not a super-person, or a group-mind, which are mystical terms, difficult to explain.

Moreover, the theory views the State from the standpoint of the jurists. Its method is juridical method, which is based on analogy. But the State is more than a legal personality It is a social fact, a historical product, and a political institution The State has unity, but it is not an integrity Its purposes and ends are not its own, but those of its members. It may be remarked that the Personality Theory is also advocated by the idealists, but in philosophical sense of group-mind and a real or collective will.

Conclusion.

We have discussed three monistic theories regarding the nature of the State each of them contains a modicum of truth. But none of them explains the nature of the State wholly and scientifically, and, therefore, is not acceptable in its totality The chief defect of these theories is that they are based on some analogy and are expounded from a definite point of view Idealist theory says that the State is an idea, the Organismic theory says that it is an organism and the Juristic theory compares the State to a personality Such an explanation vitiates their conclusion. Each of them provides us with a narrow view of the nature of the State, which is, however, a very complex phenomenon. Its nature has both monistic and pluralistic elements. The State is not merely an idea, an absolute concept, a legal fiction, a juristic personality, a living organism; it is more than any of these descriptions. It is all of them and more the State is partly an organism, and partly a mechanism. It is both a legal and a moral personality. It is partly an idea and partly a social reality. It is an association for various ends and purposes. It is a product of history and an institution for the realization of ethical ends. It is a legal order and a social organization of classes. Finally, it is a human institution which is based on force and will, because it is a legal order for social co-ordination.

Chapter 15

Sovereignty

Political Science revolves around two poles, viz., the sovereignty of the State and the liberty of the individual.[38] In order to understand the one, we must know the other. We begin with the study of the sovereignty.

We have said in a previous chapter that the most important characteristic of the State is sovereignty, which distinguishes it from all other associations. Modern State is a sovereign State. There can be no State without sovereignty. And yet the term 'sovereignty' is analyzed and explained in bewilderingly different meanings and theories. We propose, firstly, to give a general concept of sovereignty, then its theories and finally the pluralistic attack on its very concept.

General Concept of Sovereignty.

The State is a politically organised society of individuals and associations, institution and groups. In order to preserve social unity, peace, and progress, the State regulates and co-ordinates their activities, interests and relations by means of laws, customs, and authority. Sovereignty means the supremacy of the will of the State, as expressed by its laws, over all individuals and associations within its boundaries. It means the supremacy of the authority of the State within its territories and against all powers and authorities beyond its frontiers. It is a supreme law- making power of the State.

Various Definitions.

Sovereignty has been variously defined by the writers. Aristotle defined it simply as the 'supreme power' in the State. Jean Bodin (1540-96) defined it as "the supreme power over citizens and subjects, unrestrained by law " Hugo Grotius defined it as "the supreme political power vested in him whose acts are not subject to any other, whose will cannot be over-ridden". The English jurist, Blackstone, says, "it is the supreme, irresistible, absolute, uncontrolled authority in the State." Burgess defines it as the "original, absolute, unlimited power over individual subjects and over all associations of subjects." Friderick Pollock writes that sovereignty is "that power, which is neither temporary, nor delegated and nor subject to particular rules which it cannot alter." The famous definition of the English

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[38] **"The whole of Political Science springs from the logic of the law of the Correlation of Freedom and Authority" (proposition 15).** ***Systematic Politics*** **by George E Gordon Catlin.**

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jurist, John Austin, is: "If a human superior, not in the habit of obedience to a like superior, receives habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society."

Willoughby says simply 'Sovereignty is the supreme will of the State"; while Duguk defines it as "the commanding power of the State; it is the right to give unconditional orders to all individuals in the territory of the State. Garner defines it as "that characteristic of the State by virtue of which it cannot be legally bound except by its own will or limited by any other power than itself."

We may define sovereignty as "the supreme power or authority of an individual or a group of individuals which is unquestioningly obeyed by the bulk of people in the State, as laid down by its constitution and law."

It is interesting to mention that we have not quoted the definition of sovereignty by any political scientist of the behaviouralist school of Political Science. Like the concept of the State, they do not recognise the concept of sovereignty also, for reasons which we shall explain at the end of the next chapter)

From these definitions of the sovereignty we infer the following points about it:

(a) It is the supreme, unlimited and absolute power of the State,

(b) It is the supreme power to make laws and enforce them.

(c) Its authority cannot be resisted or disobeyed by any person or body of person within the State; nor does it obey any power outside its boundaries.

(d) No limitations can be placed on the supreme will of the State, except those which it has imposed itself.

(e) The supreme law-making power is itself unlimited by law; it cannot be legally bound, except by its own will. As Leacock puts it, "Somewhere within the State there exists a certain person or body of persons whose commands receive obedience".

(f) The basis of sovereignty is the use or the possibility of use of coercive power of the State to compel obedience to its laws or commands. "The basis of State sovereignty", said Laski "is the contingent power to use the armed forces of the State to compel obedience to its will. And it is the possession of this legal right to resort to coercion which distinguishes the State from other associations." This is, in short, the meaning of sovereignty which indicates its attributes or essential features and qualities.

Attributes of Sovereignty.

The chief characteristics or attributes of sovereignty are: (i) absoluteness, (ii) indivisibility, (iii) all-comprehensiveness or universality, (iv) permanence, (v) unity, or exclusiveness, (vi) inalienability, and (vii) imprescriptibility.

(i) Absoluteness or Unlimitedness:

It means that the power or authority of the State is absolutely supreme and unlimited over all persons and associations within its territory and against all powers and authorities outside its frontiers. The State is both internally and externally supreme. It is omnipotent and omni-competent. It is subject to no legal limitations, internal or external. Sovereignty cannot be restricted, for the power that imposes restrictions would then itself become sovereign. Sovereignty is supremacy. Therefore, when a State is not supreme, it is not sovereign, and when it is not sovereign, it is not a State. Certain restrictions or limitations on the supreme power of the State are pointed out by writers and philosophers, but they are self-assumed by the sovereign. Although morality, religion, international law and treaties, prudence, expediency or considerations of policy may make a sovereign to refrain from a course of action, yet his power is legally unrestricted and unlimited

The attribute of absoluteness is the fundamental and most important characteristic of sovereignty. All other attributes are really its corollaries. Moreover, it is also the most controversial feature of the monistic theory of sovereignty. It is contended that sovereignty is not absolute, that there are certain limitations on it. We shall discuss these objections hereafter.

(ii) Indivisibility:

Sovereignty cannot be divided. Every State must have one supreme power in it. It is impossible to have two or more equally supreme powers in the same State. If so, one shall become supreme sooner or later. We agree with John C. Calhoun when he says that "to divide sovereignty is to destroy it". Sovereignty is an entire thing or nothing. The State is unity; otherwise there will be not one but several States. There cannot be half sovereignty, as there cannot be half a triangle or half a living body. Jellinek has rightly remarked that- the notion of a "divided, fragmented, diminished, limited, relative sovereignty" is the negation of sovereignty.

The attribute of indivisibility of the sovereign power of the State is the second important and fundamental attribute. It is also subjected to several objections and criticism. It is attacked by the pluralists. It is also questioned by the federalists because in a federation, sovereignty is apparently divided between the federal and provincial governments. We shall also discuss this problem afterwards.

(iii) All-comprehensiveness or Universality.

Sovereignty of the State is all-comprehensive or universal. It means that it extends to or comprehends all persons and associations within its territories. No one is exempt from obeying the laws of the State or commands of the sovereign. The authority of the State is co-extensive with its territorial jurisdiction. It covers all without any exception. No person, association or institution, however universal, can claim exception from obedience to the authority or power of the State, as it was once claimed unsuccessfully by such religious bodies as the Christian Church or the Pope.

Extra-territorial Sovereignty:

There seems to be one exception to the all-comprehensive and universal power of the State; it does not extend to the diplomatic officials and embassies of foreign States within its territories. But it is not so. The sovereign has himself extended this concession to the diplomatic representatives of other States for the sake of international co-operation and courtesy. It is necessary for civilised intercourse between sovereign States. But what the State gives, it can also take back. By virtue of its sovereignty, any State can withdraw the diplomatic immunity of the representatives of the foreign State, if it so likes. It is a concession and not a compulsion. Hence, the extra-territorial rights and concessions of the foreign diplomats are no exception to the rule of universality of the sovereign power of the State.

(iv) Permanence.

Sovereignty of the State lasts as long as the State continues to exist. This attribute points out the basic distinction between the State and the government. The State is a permanent association; government is a temporary organization. The government may change, but the State continues to exist. When a king dies, another steps into his shoes, because the State continues to exist. The death of a king does not mean the destruction of the kingdom. This is the real meaning of the English saying; "the king is dead: long lives the king". It is the sovereignty of the king that lives long, though the individual king does not. Only by the destruction of the State itself can sovereignty be destroyed. Permanence, therefore, means the continuity or perpetuity of the sovereign power of the State, which is unaffected by governmental changes.

(v) Exclusiveness.

By exclusiveness we mean that quality by virtue of which there can be only one sovereign power in a State which is entitled to be legally obeyed by its citizens. One sovereign excludes another. It is nicely illustrated by the Persian proverb. "There cannot be two kings in a kingdom". This quality of sovereignty is really derived from its two other attributes, absoluteness and indivisibility. It is based on the principles of the unity of the State, which means that the State is a single unit, ruled by one sovereign. To say otherwise would mean to admit "the possibility of ***imperium** in imperio*"--'a State within a State. But this is impossible. Sovereignty cannot be divided or shared between two or more persons. When two persons ride a horse, one must sit in front and hold the reins. It is said that ten beggars can sleep in a blanket, but two kings cannot live in a kingdom. The reason is obvious: none of the beggars is sovereign. And if one of them becomes a sovereign, he will surely drive out the others, or, if he is a clever beggar, make them his subjects!

(vi) Inalienability.

By this we mean that the supreme power cannot be alienated or taken away from the personality of its holder without destroying it. To alienate or give away sovereignty is to destroy it. "Sovereignty", said Lieber, "can no more be alienated than a tree can alienate its right to sprout or a man can transfer his life or personality without self-destruction". Sovereignty is non-transferable. When a State cedes away its sovereignty, it ceases to exist, and some other State may come into being in its place. It should be noted here that the quality of inalienability relates to the sovereignty and not to the territory of the State. A portion of territory can be ceded without affecting the sovereignty over the remaining portion, in which the State remains as supreme as before. For instance, a" Pakistan was carved out of the territory of the British India, as sovereign State.

(vii) Imprescriptibility.

This characteristic follows from that of inalienability. It means that sovereignty is not lost even if its holder does not exercise or assert it for a long period of time. The State remains sovereign, whether it actually asserts its supreme power over a period of time or not. Once a Sovereign, always a Sovereign. Here the constitutional law differs from the private law. In private law, if a person does not assert his ownership over a piece of land or house for, say, 12 or 20 years, he loses his ownership of it. This is called the principle of prescription. But sovereignty is not lost by prescription. It is imprescriptible.

Limitation on Sovereignty.

Is the sovereign absolute? Many thinkers such as Bodin, Hobbes, Rousseau, John .Austin, Dicey, Jellinek, have asserted that sovereignty is absolute, unlimited, original and supreme power of the State and that, as the State is a unity, there can only be one supreme authority in it. But this concept of monistic sovereignty is contested and rejected by others on various grounds. They point out several limitations on it. We shall consider them one by one.

(i) Moral limitations.

Legally the State is competent to do everything, but in practice it cannot do many things. What is legally possible may be morally impossible. In Britain, for instance, parliament is, "from the legal point of view", the sovereign legislative power in the State. But it cannot make laws and the executive cannot enforce them, if- they violate the moral principles and values upheld by the British people "If the legislature decided that all blue-eyed babies should be ' murdered", said Leslie Stiphen, "the preservation of blue-eyed babies would be illegal, but legislators must go mad before they could pass such a law and subjects be idiotic before they could submit to, it". However powerful and despotic or absolutely supreme a sovereign may be, he cannot be successful in flouting the moral or religious sentiments, beliefs and inclinations of his subjects. Legally he is all-powerful, morally he is not so. "Legally an autocratic Tsar may shoot down his subjects before the Winter Palace in Petrograd, but morally it is condemnation that we utter". There is, therefore, a vast difference between what Dean Pound had admirably called "law in books" and "law in action". Hence a wise sovereign will not make laws which flout moral sentiments and convictions, violate religious beliefs, or interfere with long-established customs and traditions of people or their sense of justice and good. Otherwise, he would provoke opposition, bitterness and even revolt or revolution. On the contrary, laws are easily enforced when they conform to the generally accepted moral, religious and social ideas and customs of the people:

(ii) Natural limitations.

The sovereign cannot do what is naturally impossible. For instance, he cannot order the sun or the moon to rise, or make a law that the sun shall always rise at 6 o' clock or from the south. If a sovereign would order so, he will be sent to the lunatic asylum. Such are the natural limitations on the absolute competence of the sovereign's powers.

(iii) Human limitations.

There are several things which a sovereign cannot do; firstly, because he is a human being, and secondly, because he has to deal with human beings. Gilchrist has called them "the limits of human endurance", while Dicey has called them the internal limits, inasmuch as they rise from the very nature of the body or person exercising sovereignty. The powers of a sovereign are inevitably limited by the strength or weakness, capacity or incapacity of his character, mind, body and personality and also by his education, knowledge, religion, morals and environment. The same is the case of his subjects or citizens. They are also conditioned by their environment, education, religion, and moral value system, and determined by their habits, character, mind, body and personality. So, even if they are willing to obey a law, they may be physically or mentally incapable to do so. For instance, the sovereign can make a law that all men, women and children will work at night and sleep in day-time. But how can he enforce it? Similarly, a ruler can make a law forbidding the people to hold a particular opinion because it is 'a dangerous opinion' But he is unable to enforce that law, because the people may continue "to hold it in their heads", while the sovereign can only punish them when they will actually write or talk about it. Expediency and common-sense would tell him not to make such a law. Such are the human limitations on the sovereign power of a ruler. "They are," as Gilchrist says, "limits of individuality, expediency and common-sense".

(iv) Constitutional limitations.

Some writers also point out constitutional limitations on sovereignty. These limitations are, firstly, the written and rigid constitution, and, secondly, the provision of fundamental rights in the constitution, and such other provisions in the written constitution which the legislature or the government is expressly forbidden to change, such as the parity principle in federal constitutions. The structure of a State, with a written and rigid constitution, cannot change except by a long and difficult process of amendment, which is a check on its sovereignty. It is said that in such a State, there are two kinds of laws, the constitutional law and the ordinary law. The constitutional law is superior to- the ordinary law, which must conform to it or be declared null and void. So, the legislature which makes ordinary law, and cannot amend the constitution, is limited in its legislative power. Similarly, its power is limited by the other provisions of the constitution, such as the fundamental rights, etc.

These limitations are, however, no limitations on the sovereignty of the State. Firstly, the provisions of a constitution are limitations not on the State but on government. They require the government and its various organs to remain within these provisions, if their acts and laws are not to be declared unconstitutional. The State, that is, the people who can amend the constitution, remain as supreme as before, because they may amend it, if they so like. It is a self-imposed restriction and, therefore, not a limitation because it can be removed at any time. Moreover the distinction between the constitutional law and the ordinary law is not fundamental. The difference is procedural and not substantial.

(v) Limitations of International Law.

International law, conventions, agreements and treaties are regarded as another limitation on the sovereignty of the State. Bluntschli puts it in these words: "There is no such thing as absolute independence—even the State as a whole is not all-mighty, for it is limited externally by the rights of other States and internally by its own nature and the rights of its individual members". But, like the "constitutional limitations, the international limitations are not legal limitations. They are merely self-limitations which the sovereign States observe in their intercourse with on another. There is no international authority or law-court to interpret and enforce international laws. They are self-imposed and can be repudiated by the State any time. This is shown by such behaviour of the States as when they tear away treaties as mere scraps of paper or when international conventions and rules are violated, and, above all, when a war is declared. It proves that the State is free to abide or not to abide by the international law. International law is rightly regarded as not a law in the strict sense. It is merely a code of international morality which the States generally find it expedient to observe.

Two Aspects of Sovereignty.

(i) Internal Sovereignty.

A distinction is usually made between internal and external sovereignty, especially by the writers on International Law. Internal sovereignty means the supreme and final power to command all persons within the territory of the State. Its will is absolute over all persons and associations. It issues orders to all men an:' to all associations within the area of the State and receives orders from none. Its will is subject to no legal limitations of any kind. "What it proposes is right by the mere announcement of intention," as Laski puts it.

(ii) External Sovereignty.

It means the freedom or independence of the State from any control, compulsion and interference by a foreign State or power It means in other words, that the will of the State is supreme as against oil foreign wills treaties and International Law do not limit the supremacy or external sovereignty of the State, because they are self-imposed limitations. In short, external sovereignty means independence of the State. It is necessary to remark that while internal sovereignty is a positive exercise of authority, external sovereignty is merely its negative aspect. External sovereignty does not mean that the State has the right or power over other States. It only means that it will not submit to their interference or command. That is why it is suggested by some political scientists that it is better to use the word "independence" instead of "external sovereignty". Sovereignty is essentially internal power, which can exist only when it will not tolerate foreign intervention in it in any form. *No State comes into being with the goodwill and by the grace of other States, but in spite of the-ill will and hostility* of most of them. Hence every State remains independent only so long as it is internally strong and supreme. To conclude, sovereignty means supreme, unlimited and absolute power in its two aspects, internal and external.

State in crisis.-

'De Jure' and *'De Facto'* Sovereignty.- States sometimes become victims of political troubles, called revolts, rebellions, *coups d'etat*, revolutions, wars and foreign aggression. A rebel leader, a revolutionary

party, a military junta, or a war leader, a priest or a prophet may overthrow the established government or destroy its power from a portion or whole of the country. The State is then in a crisis. It is to explain such times of crisis and transition, that the two terms, *"de jure"* and *"de facto"* Sovereignty, are used. (*"De jure"* means "by law" and *"de facto"* means 'in fact'.)

'De Jure' sovereignty means the authority of the ruler or government which is recognised by law as supreme. It is, therefore, the legal sovereign. But, in times of war, civil war or revolution, it may not be actually obeyed by all or part of the people or country. *'De facto'* sovereignty means the authority of the person or agency which can in fact or actually compel obedience. So, *de jure* sovereign has the right or law on his side, while *de facto* sovereign has might or physical force. Sometimes the *de facto* sovereign bases his claim to obedience on law, but it is not yet universally accepted. Hence Lord Bryce, the English political writer, defines *de facto* sovereign as "the person or body of persons who can make his or their will prevail whether with the law or against the law: he, or they, is the *de facto* ruler, the person whom obedience is actually paid."

The crisis of the State, however, cannot last for ever. Sooner or later, either the former government or the new one subdues the other. A *de facto* sovereign becomes a *de jure* sovereign when, firstly, he succeeds in basing his might or authority on law by making necessary law or constitution, and, secondly, when his sovereignty is recognised by other States according to international law and practice. Hence a successful *de facto* sovereign, whether a dictator, a military leader, a clever priest, a revolutionary or a usurper, must become a *de jure* sovereign as well, by making necessary changes in law and constitution. Otherwise his fate is like that of Bacha Saqqa of Afghanistan who overthrew the *de jure* sovereign, King Amanullah, but was himself soon ousted from power by Nadir Shah, who became then the *de jure* sovereign by adopting a new constitution.

In a well-ordered State *de jure* and *de facto* sovereignty coincide. In other words, right and might go together. The courts recognise only the *de jure* sovereign. Good government and peace are possible only when there is no split between the *de jure* and *de facto* sovereignty. As regards examples, modern history abounds with them. The communist government of China was the *de 'facto* sovereign when it overthrew the former *de jure* government of Chiang Kai-shek. But since it adopted a new Constitution of People's Republic of China and was recognised by foreign States, it became the *de jure* sovereign of the new China as well. Formerly, the Nationalist Government in Algeria was *de facto* sovereign, while the French Colonial Government was its *de jure* sovereign. But as the Algerians drove out the French colonialists from their country, their National Government became both *de facto* and *de jure* sovereign.

Titular and Actual Sovereignty.

Another distinction is made between the titular sovereign and the actual sovereign. With the growth of parliamentary democracy, the king of a parliamentary State has lost the substance of power, although he is still called the sovereign head of the State. The actual supreme power is in the hands of his parliament or prime minister. It is to explain such a distinction that the two terms "titular" and "actual" sovereignty are used. A titular or nominal sovereign is one who does not actually exercise any power. For example, the King of England is a titular sovereign. He is still called "Our Sovereign Lord the King". But he is really a figure-head, a mere shadow of a great past. The same is true of the heads of the parliamentary republics, like the President of India. In such States, the real power and authority is in the hands of the actual sovereign, the parliament or the prime minister or the cabinet. In other words, the ministers decide things while the king merely signs their decisions. They rule the country, while the king merely reigns. They really use him like a rubber-stamp to sign their orders and laws. Lowell has described the change in the position and power of the constitutional king in these words: "According to the early theory of the constitution the ministers were the counsellors of the king. It was for them to advice and for him to decide. Now the parts are almost reversed. The king is consulted, but the ministers decide."

KINDS OF SOVEREIGNTY

Sovereignty is supreme power. But supreme power can be in the hands of one person or an assembly, voters and political parties, or in the hand of a nation or people. This gives us three kinds of sovereignty: viz., legal, political and popular sovereignty.

1. LEGAL SOVEREIGNTY

Its meaning:

Legal sovereignty is the supreme and final law-making power, recognised by law, and exercised by a determinate person or organ of the State. In every State there is some authority legally entitled to make laws which the citizens have to obey. Such an authority is the legal sovereign. He expresses the will of the State in the form of laws or commands. The legal sovereign is unrestrained by law in the exercise of his law-making power. His power is not limited by the laws of God, the prescriptions of religion, moral principles, public opinion, old customs, or international conventions and agreements. Whatever he decrees must be obeyed by the citizens, enforced if need be by his supreme coercive power. Whatever he orders is binding, whether it is good or bad, moral or not, just or unjust. As Hobbes puts it bluntly within the sphere of law, there is no such thing as unjust command. So justice, morality or good is what the legal sovereign has decreed by-means of his law. All rights are created by him and there is no right against him The law-courts apply the law of the legal sovereign and do not question its validity, even though it may be morally unsound, condemned by public opinion as 'black law and what not. So far as the source of laws is concerned, the courts and lawyers refuse to look beyond the legal sovereign.

This is the theory of legal sovereignty. It was, as we shall see later on, presented in its most precise form by the English jurist, John Austin. The law or the constitution of a State describes in whose hands legal sovereignty lies. In England, it rests with the Queen-in-Parliament. There is no legal limit to the power exercised by parliament. It has the power to do everything; except what is 'physically impossible, such as to make a man a women or a woman a man. In a Federal State, however, it is somewhat difficult to say precisely as to who is the legal sovereign or as Laski says it is practically an impossible adventure.

Criticism.

Legal sovereignty is the lawyers' view of sovereignty. As Ritchi says, "the legal sovereign is the lawyer's sovereign *qua* lawyer, the sovereign beyond which lawyers and courts refuse to look". But it does not fully explain the nature of sovereignty in the State. Behind the legal sovereign stands another sovereign power, the political sovereign, and, according to some, yet another sovereign, the popular sovereign. Some writers reject the theory of legal sovereignty as abstract and misleading. Woodrow Wilson writes, "Sovereignty, as ideally conceived in legal theory, nowhere actually exists". But it was the view of a person living in a federation.

2. POLITICAL SOVEREIGNTY

Its meaning.

Legal sovereignty is supreme but not omnipotent. Legally his will is absolute and unlimited, but politically he cannot act independently and exclusively. His will is actuated by many and varied influences and forces which are unknown to law. As Dicey says, "behind the Sovereign which the lawyers recognise, there is another Sovereign to whom the legal Sovereign must bow". He is the political sovereign. Dicey defines it thus: "that body is politically sovereign the will of which is ultimately obeyed by the citizens of the State". The political sovereign is the sum-total of the influences and forces in a State which stand behind the law.

The concept of political sovereignty is less exact than the concept of legal sovereignty. Its nature and location differ in different States. By its very nature, it is unorganized, vague, indeterminate and inexact. It may be the power of the people, the public opinion, the electorate or the dominant class or a section of the people such as the army, the landed aristocracy or a powerful priesthood. It depends upon the nature of a particular State as to which of these forces and influences will actually exercise political sovereignty at any particular time.

Relations of Legal and Political Sovereignty.

The problem of good government is really *one of proper relationship between the legal and political sovereignty.* In a direct democracy, as, for example, existed in ancient Greek city-States, the two practically coincided, because the people assembled and decided everything. The people were at once the legal and political sovereigns. But this cannot be so in the modern indirect democracies, which have representative governments, responsible to the people or electorate. The people, by voting and electing representatives indicate to the legislature, the legal sovereign, the type of laws they desire. But the political sovereign, the electorate, is influenced by the political parties, the press, public speeches and even friendly talks. In this way the political sovereign really manifests itself by voting, by the press, by speeches, by intelligent conversations and by various other ways, which cannot be easily described. It does not directly make the laws, but it lays down the conditions and terms within which they shall be made by the legal sovereign. In short, though the political sovereign is legally unknown, unorganised and incapable of expressing the will of the State in the form of laws, yet the legal sovereign will bow to him in practice and will express it ultimately. In despotic monarchy, the relation between the legal sovereign, i.e. the king and the political sovereign, is not so close and effective. Yet the king also depends upon the support of his army, his friends and class of nobles to rule. In all States, whether despotic or democratic, the legal sovereign is limited by the political sovereign. Professor Ritchie illustrated this fact by citing the example of the despotic government of the Russian Czars in these words: "the Czar of all the Russians rules by the will of his people, as much as does the executive of the Swiss Federation". The only difference is that the political sovereign in a despotic State is not as broad-based as in a democratic State.

The presence of the legal and political sovereigns in a State should not lead us to think that there are two sovereignties in it, or that sovereignty is divided into two. Really legal and political sovereigns are two different channels for the manifestation of the one and the same sovereignty or will of the State. There are two aspects of sovereignty, expressed through two channels: in its legal aspect by the deliberations and decisions of the legislative organ and in its political aspect by the votes of the electorate and the activities of the political parties, the press, and other agencies of public opinion. Law is and must be the manifestation of the will of the people. But the people cannot directly legislate. They first discuss their problems and needs among themselves, guided and influenced by the political parties and leaders, and educated and enlightened by the press and platform. Then they elect their representatives, the legal sovereign, who frames laws in accordance with their wishes and opinions expressed before and after the elections. Thus the legal sovereign becomes limited and conditioned by the political sovereign, although in law it alone is competent to make laws. In this way the former mirrors the opinion of the latter. If, for example, the members of a particular Parliament do not reflect it, they will not be re-elected at the next elections, but some other persons will be elected in their stead.

Criticism.

The theory of political sovereignty is criticised by Leacock on the ground that the political sovereign is difficult to locate; "the more one searches for this final authority, the more it seems to elude one's grasp". The search for him is like the quest of the philosophers for the "first cause". The voters are obviously not the political sovereign, because they are influenced by the propaganda of the political parties and the press, and may even be under the influence of selfish and crafty leaders and demagogues. Public opinion is so fluctuating and vague that it cannot be called a sovereign: it is difficult to say when it is public and when it is opinion. Furthermore, the complexion of the political sovereignty is ever-changing, vague and different in different States. "In one State," writes Leacock, "the priesthood, in another the military or landed classes, in another the personal entourage of the king or the predominant influence of the metropolis, might supply the real motive power that controls the public administration". So the political sovereign is not as precise, exact and determinate as the legal sovereign.

But this criticism misses the real point. The theory of political sovereignty does not aim at the refutation or rejection of legal sovereignty. On the contrary, it accepts the existence of the legal sovereignty. What it rejects is its omnipotence and omni-competence. For law and law-courts, the legal sovereign is the final, omnipotent and determinate power or source of law. But, for political life and political obligation the theory of legal sovereignty does not fully and satisfactorily explain the nature and location of sovereignty. It does not explain the true reason why the citizens should obey the law. The theory of political sovereignty corrects these shortcomings and gives us the basis of political obligation and explains the real nature of modern democracy. Political power and obligation must be grounded on the consent and will of individual voter. As McKenzie says, "The will of the legal sovereign is or should be the authorized embodiment or manifestation of the will of the political sovereign. If the popular will is accurately expressed by the legal sovereign, the power of the people is effective, otherwise it is not". In other words, the legal sovereign, the Parliament, is omnipotent only so long as it expresses 'the will of the people, their hopes and desires, needs and wishes. Should it disregard them, it would be repudiated by the voters. "Parliament itself would be purged of its offending members. Parliament is master, can utter valid commands, only so far as it interprets, or at least does not cross the wishes of the people".

3. POPULAR SOVEREIGNTY

Its origin.

No political concept has played a greater role in human history than that of popular sovereignty. During the last few centuries it has agitated human hearts, organized peoples into powerful revolutionary forces and toppled over several thrones of ancient monarchies e.g. of France, Russia. It has been propounded by some of the greatest political philosophers, like Locke and Rousseau. Yet it has been questioned, doubted and even indignantly rejected by several others. As compared to its role in political thought and[1] history, the theory of legal sovereignty seems to be mere hair-splitting verbiage of the lawyers and jurists, and the theory of political sovereignty as a distorted Statement of facts by honest and laborious professors of Political Science and publicists. The idea of popular sovereignty was first presented in the 16th and 17th centuries. But the high priest of the popular sovereignty was the Frenchman, J.J.Rousseau, who transformed it into a revolutionary dogma, and proclaimed the sovereignty of the people in the form of the General Will. It led straight to the great French Revolution of 1789. The growth of democracy, individual liberty, spread of education and political awakening have increased the influence and importance of the idea of popular sovereignty. It has now become, as Bryce says, "the basis and watchword of democracy".[39]

Its meaning.

In spite of an unflinching faith in it, popular sovereignty is not an easy term to define. It is at once a very simple and a very complex concept. In simple terms, it means that supreme power ultimately lies with the people, that government should be based on the consent of the governed. It means, as Gilchrist says, the power of the masses, as distinguished from the power of the individual ruler or of the ruling classes. The difficulty arises when we try to see how and when the people exercise this supreme and ultimate power attributed to them. Various theories are suggested to show how the will of the people directs the will of the government in an actual State. One of them is that of Professor Ritchie.

Ritchie's Theory.

He says that the people exercise sovereignty directly through electoral power, and indirectly through influence, intimidation or potential threat of revolution or rebellion. The ultimate repository of political power is the mass of the people. They are ultimately the masters. Hence every kind of rule exists by virtue of their tacit consent. "Sovereignty, in last resort, is a matter of force and depends upon the ability to secure or to compel obedience; the power that in case of a struggle would have the strength to command obedience is the sovereign." And that sovereign is the people. Thus Ritchie bases the sovereignty of the people on their tacit consent and not on contract, as Rousseau did more than a century and half before him. The merit of Ritchie's theory lies in the fact that he did not assert that the people ought to be sovereign in the last resort, as others say, but that they are sovereign all the time. Yet he fails to explain the nature of consent and the organisation of the people's sovereignty, as we shall see presently.

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[39] Bryce. *Modern Democracies*, Vol.1, p.143.

Criticism.

The theory of popular sovereignty has been subjected to criticism on many grounds. They are as follows:

(1) ***Vagueness of the Theory.***

The theory of popular sovereignty is vague, and even confusing, because the popular sovereignty is itself of a very loose and inexact form. It has the same vagueness about it as the ancient saying, *vox populi, vox Dei* - the voice of the people is the voice of God. It does not explain the question, "who are the people?

(2) ***The indeterminate character of the 'people'.***

When asked "who are the people, the advocates of the popular sovereignty are unable to answer in clear-cut terms. If we mean by people the entire unorganised mass of people living in a State, then, we necessarily include in it the children, the idiots, the insolvents and all sorts of criminals and law-breakers, who cannot obviously be included among the sovereign people. In those countries where the women are not given the right to vote, they also cannot be included among the "sovereign people". That will create a new difficulty, because nearly one-half of the people are not included in the sovereign. So the more we try to analyze the meanings of the "sovereign" people, the less we know about it.

(3) ***The inherent impossibility of organizing the sovereignty' of the people.***

It is easy to say that the people are sovereign, but it is difficult to tell how. Organization is the virtue of sovereignty. Sovereignty is the power to command obedience; but it must be an organised power before it is obeyed. When a people become organised they are necessarily led by some leaders and parties. But then they are no longer sovereign, for he who organises the people becomes the sovereign, which means the legal sovereign. Here we find a contradiction in terms. If popular sovereignty means the power of the unorganised mass of the people, there is no State and therefore no sovereignty. But if they become organised, they become legal sovereign. It is said that it can be expressed by public opinion. But unorganised public opinion, however powerful, is not an expression of sovereignty. When it becomes organised, it does not remain the opinion of all the people; because it is necessarily the opinion of the majority of the people. Understood in any of these senses, popular sovereignty is an illogical and contradictory concept: either it is not sovereign, or it is not popular.

(4) It is also suggested that the sovereignty of the people is expressed by the electorate, i.e., by the right to vote. But the right to vote is a legal right which is given not to all persons but to those who are qualified to exercise it. Actually it is often found that only 30% of the entire population of a country really exercise the right to vote. As elections are decided by majority votes, the majority of the electorate will constitute barely 15% of the whole people, which is, indeed, a very small minority of the people. Hence the sovereignty of the people, as expressed by the electorate will be a sovereignty of a small and indeterminate minority of the whole population. So, adult suffrage is not a good criterion of popular sovereignty.

(5) Moreover, it is said by Ritchie that the people are sovereign because they are always more numerous than any government which might oppose them. Therefore, their physical superiority and force will always decide every political issue and limit the actions of the government. But millions of unorganised men without discipline, weapons and modern equipment, can be easily overawed by a few thousands of well-organised soldiers. Sovereignty, is this case, does not lie with the people but with a handful of men who have organised the army and the police.

We conclude, therefore, that either popular sovereignty is no sovereignty at all, or it is another name for political sovereignty. If the people are not organised, they are not sovereign; but if they are organised, they become political sovereign, who act through the legal and constitutional channels of elections and franchise. In any case, the notion of popular sovereignty is the vanishing point of sovereignty. "The will of the people", says MacIver, "is rarely, if ever, the will of all the people".

Importance and merits of the theory

It cannot be denied that the concept of popular sovereignty "contains great truth and is the basis of democratic faith. It emphasizes that the people are the sovereign power though they don't exercise it". It stresses the importance of public opinion in modern democracy. It is a useful concept, provided we keep in mind the distinction between the legal power and moral influence because, in the last analysis, popular sovereignty signifies the moral control and influence over the legislature or the legal sovereign. As Garner says, it is nothing more than the power of the majority of the electorate in a country where a system of universal suffrage prevails, acting through legally established channels, to express their will and to make it prevail. As Laski puts it, "All, in fact, that the theory of the popular sovereignty seems to mean is that the interests which prevail must be the interests of the mass of men rather than of any special portion of community" Lastly, this theory rightly emphasizes the role of force of numbers in the State. Indeed force is an element of sovereignty, but the test of Statesmanship lies in the fact how and when this force is to be exercised: "the highest ideal of Statesmanship is to render the actual exercise of such force as seldom necessary as possible, and the extent to which this aim is attained will depend largely upon the degree in which the State action corresponds with the desire of Public Opinion or the General Will". The theory of popular sovereignty is both a guide to Statesmanship and a chart of the political health of a State. Lastly, the theory of popular sovereignty emphasizes a basic truth that government should be both constitutional and popular, that is, it must be so organised that public opinion is able to express itself in a legal way as readily as possible and that this opinion is expressed by as large a part of the people as possible. This is done by such means as a written constitution, fundamental rights, universal suffrage, representative legislature, frequent elections, local self-government and responsibility of the government to the people, and the direct legislation by the people in regard to certain important legislation by means of referendum and initiative. So, as Gilchrist says, the idea of popular sovereignty can be better expressed by the term "popular control" of the government. But it is more of a moral influence than a legal power.

Chapter 16

Monist and Pluralist Theories of Sovereignty

A brief history of the concept "Sovereignty":

The concept of sovereignty is a modern concept, born with the modern State. The ancient Greeks knew that there was a "supreme power" in the State, but they did not analyse it further. The Roman jurists and thinkers declared it to be the supreme authority of the emperor. Among the medieval Muslims, Ibn Khaldun was the first thinker who made the concept of sovereignty the basis of the power of the ruler, which rose and fell with his dynasty. In medieval Europe, they believed in "two swords", that is, the secular power of the king and the spiritual power of the Pope. The king, however, did not possess supreme power, for he shared it with his powerful feudal lords: he was only the first among equals. But two causes in early modern Europe gave rise to the concept of the State as well as to the concept of sovereignty. They were, firstly, the crisis of monarchy in France and later in England and other European States, and secondly, the Reformation or the religious revolt, which split European Christianity into two warring sects of the Catholics and Protestants, which further aggravated the monarchical crisis. In the sixteenth century, the French kings, who sought to unite France under their sole authority, were engaged in campaigns against the feudal magnates who refused to submit to the centralised authority of the king. They were further instigated to revolt by Protestantism, which had spread among them. It was in this dual crisis of political authority of the "new French monarchy" that the concept of sovereignty was born. It was propounded by Jean Bodin, who championed the cause of centralised authority of the "new monarchy" in France. He sought to strengthen the king against both the Church and the feudal nobility. In his book entitled *Six Bookes of a Commonweale*, written in 1576, he said: "It is clear that the principle mark of sovereign majesty is the right to impose laws generally on all subjects regardless of their consent. If he is to govern the State well, a sovereign prince must be above law." Thus Bodin declared sovereignty not only the power to make law, but also to be itself above law. However, Bodin added that the sovereign power of the king is limited by the Law of God and Law of Nature. Bodin was the first political thinker to equate sovereignty with power, and not with the need for justice or the like.

It was Thomas Hobbes, however, who carried the concept of sovereignty to its logical conclusion. He too found his country, England, involved in a civil war. He propounded a theory of sovereignty which he believed would restore peace and tranquillity to his troubled country. He presented it in his book, *Leviathan,* written in 1651. He declared that the power of the sovereign to make law is supreme, absolute, unlimited and imprescriptible, and it cannot be limited by considerations of religion, church, morality, loyalty, etc. Indeed, morality is what the law declares it to be. There is not good or evil except what the law says and law is nothing but the command or word of the king. It is only by recognising the supremacy of the royal power that peace could be restored to England. Thus was born the monistic theory of sovereignty.

During the next three centuries after Hobbes, the monist theory of sovereignty was accepted by all political thinkers of modern Europe. They only tried to find where the supreme power lay, that is, whether in the king, parliament or with the people, e.g. Rousseau's theory of popular sovereignty, or Hegel's theory of State absolutism. The monistic theory received its most precise and strict exposition at the hands of John Austin in the middle of the nineteenth century, which was the high level mark of this view of sovereignty.

During the last years of the nineteenth century and the early years of the twentieth, a new view of sovereignty was propounded, namely the pluralist view. According to it, sovereign power in the State does not and should not reside at one centre, but at several centres of authority. The reason is that modern society consists of several other groups and associations beside the State, which are at least as important and as supreme in the lives of their members as is the State. In the USA, the federalists also attacked the monist theory and asserted that the federating units in a federation possess equal sovereignty with the central or federal government. Thus both the political pluralists and the federalists asserted that sovereignty must be viewed as a pluralist, not monist, phenomenon. It means that sovereignty is not absolute, unlimited and indivisible: instead, it is limited and divisible.

From about 1950, the concept of sovereignty was attacked from an altogether different angle. The behaviouralist political scientists of America discarded the concept of sovereignty as unscientific, just as they have also discarded the use of the term "State". In place of sovereignty, they use the term "power"; just as in place of the "State", they use the term "political system".

We shall first discuss the monist theory, as expounded by Austin, then the pluralist attack on it and, finally, we shall briefly consider the behaviouralist repudiation of the concept of sovereignty.

AUSTIN'S THEORY OF SOVEREIGNTY

John Austin (1790-1859) was an English jurist. He is regarded as the founder of the school of Analytical Jurisprudence, which sought to analyse the nature of law, right and sovereignty. He expounded his theory in his book *on Jurisprudence*, published in 1832. His views had great influence on the lawyers, jurists and writers on Law in England and America. But they were severely criticised by the writers of Historical Jurisprudence in the 19th Century who refuted Austinian Theory on the basis of the history of Law and State, and by the Pluralists in the twentieth century.

Austin on Law:

Austin begins his theory of Sovereignty by first defining law, which, he says, is "a command given by a superior to an inferior." In other words, it is a general command to do or abstain from doing certain acts, issued directly or indirectly by the Sovereign or the Superior to a person or persons, who are his inferiors, in the sense that they are subject to his authority.

Austin on Sovereignty:

He then defines the Sovereign or Superior in a State as thus: If a determinate human superior, not in the habit of obedience to a like superior, receives habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society, and the society is society political and independent". He adds further: "to that determinate superior the other members of the society are subject, or on that determinate superior the other members of the society are dependent".

Analysis of Austin's Definition:

The following conclusions or corollaries can be drawn from Austin's theory:

1. ***Only a determinate person or body of persons can be sovereign:*** It means that sovereignty cannot belong to the general will, as Rousseau said, or to the people or to the public opinion, as it is said by the advocates of popular sovereignty, or to any superhuman being as is the Islamic view. It belongs to a determinate human superior, i.e., a definite person or body of persons.

2. ***The power of the sovereign is legally unlimited*** or absolute, because the laws which he makes are obeyed by all, while he himself does not obey any law. Hence there can be no limit to his power. He makes his own limits. Legally speaking the sovereign is all mighty.

3. ***Sovereignty is indivisible:*** If sovereignty is divided by law between two or more persons or bodies of persons, then one of the two things would happen. Either one of them will limit the authority of the other, and thus become the real sovereign, or any other person in a body of

persons who has legally limited the authority of the others would become the real sovereign. It means, therefore, that sovereignty may be formally distributed, but cannot be really divided. This is the case in a federal State.

4. ***State is such a society which is organised by rule and obedience.*** A law is a command calling for obedience. State exists only when there is sovereignty and subjection or obedience to the law or command of the sovereign. Sovereignty is as necessary in the State "as the centre of gravity in a mass of matter".

To sum up, Austin asserted that sovereignty is determinate, supreme, absolute, illimitable, inalienable, indivisible, all-comprehensive and permanent power. His theory can be summarized in four words: *Sic vole, Sic juber--thus* I will, thus I command. Indeed, he had further developed and elaborated the views of Bodin, Hobbes and Bentham. Like Bodin and Hobbes, he endeavoured to show that sovereignty is supreme power unrestricted by law. Like Bentham, he sought to distinguish law from morals. His primary purpose, however; was to define law and sovereignty in such exact and clear terms as to become the basis of the science of law or jurisprudence. In this purpose, he succeeds to a great extent, because his theory of sovereignty became the lawyers' view of sovereignty and law. With him the monastic view of the sovereignty of the State became precise and well-defined. It was, however, vigorously assailed by Maine and other historical jurists in the nineteenth century and by the Pluralists in the twentieth century.

Criticism.

However much Austin's theory may be useful for a lawyer or jurist, it does not properly explain the nature of sovereignty. It has been subjected to severe criticism by many writers and political scientist, e.g., Sir Henry Maine, Henry Sidgwick and H.J.Laski. The following objections are raised against it:

1. ***History does not support Austin's view of absolutism.***

Austin's view that the determinate sovereign has absolute power was subjected to severe criticism by Sir Henry Maine in his lectures on *"The Early History of Institutions"*. Maine belonged to the school of Historical Jurisprudence. He cited the examples of the rulers in India, Europe and America, to show that no one of them possessed that supreme and absolute power which a determinate sovereign possesses, as Austin asserts. Instead of it, the supreme power of every sovereign in history is found to be limited by internal considerations and restrictions. He first referred the case of Ranjeet Singh, the Sikh Ruler of the Punjab during 1801-39, who could be regarded an absolute sovereign in Austinian sense, because he "could have commanded anything; the smallest disobedience to his command could have been followed by death or mutilation". Yet Ranjeet Singh never once in his life issued "a command which Austin could call a law. The rules which regulated the life of his subjects were derived from their immemorial usages and these rules were administered by domestic tribunals (called *punchayats)* in families or village communities". Thus among Eastern communities, the custom was the real king and not the sovereign ruler, whose authority was limited by ancient customs, usages, religious traditions and beliefs of his subjects.

Maine further contends that this is true not only of the "oriental society" but also of the "world of Western civilisation". There also no sovereign, however, despotic, could disregard "the entire history of community, the mass of its historic antecedents, which in each community determines how the sovereign shall exercise or forbear from exercising his irresistible, coercive power". Maine, therefore, concludes that the determinate human superior, as Austin defined him, exists nowhere. Only "a despot with a disturbed brain is the sole conceivable example of such sovereignty". It is, therefore, a historical fact that sovereignty has never been determinate. On the basis of Maine's criticism, Laski remarked that "Austinian Theory is artificial to the point of absurdity".

2. ***Austin's theory does not apply to existing States.***

When confronted with the problem of pointing out the determinate human sovereign in an existing State like England, Austin was unable to give a clear-cut answer. Instead of it, he variously replied that (i) Parliament is sovereign, or (ii) the King, the Lords and the electors are sovereign or (iii) the electorate is sovereign when Parliament stands dissolved, etc. But obviously this answer has not the clarity of his definition. And it includes that astounding assertion that the electorate is sovereign, although it cannot at all be a determinate body, as Austin's sovereign must be. As regards the USA, Austin was driven to the conclusion that the body which has the power to amend the Constitution is the sovereign. But such a body cannot be determinate. Moreover, its sovereignty is not absolute, because its power to amend the Constitution is restricted to the specific amendments and no more. To find out the determinate sovereign in a federal State, as Laski says, is an impossible adventure. So Austin failed to show the determinate human superior who is sovereign in the present-days States.

3. ***Austin failed to distinguish legal and political sovereignty.***

The reason why he found it difficult to apply his theory to the existing States was that he did not distinguish legal from political aspects of sovereignty. His theory is an attempt of a lawyer to give a lawyer's view of sovereignty. It is a theory of legal sovereignty. He was right, therefore, when he said that the King-in-Parliament is sovereign. But when he tried to include the electorate in it as well, because it elects the member of the House of Commons, he failed to keep in mind that it is not legal sovereign, because it cannot make laws. At the same time, legal sovereign, the King-in-Parliament, is not absolute, because it is conditioned by a number of influences and forces which constitute political sovereignty.

4. ***It is opposed to the idea of popular sovereignty.***

It is pointed out by Sidgwick, Clark, Ritchie and others that Austin's theory is inconsistent with the idea of popular sovereignty. It also ignores public opinion and disregards the General Will. Austin's sovereign has the support of force alone and not of the will of the people. It is pointed out that legal sovereign is not real sovereign, but is a formal sovereign. But here his critics have really missed the point. The Austinian can rightly say that so long as the legal sovereign does not embody the General Will or the will of the people into actual laws, it will remain ineffective. No law-court will enforce the desires of the people till they are not enacted by the legal sovereign, whose laws or decisions alone it recognises.

5. ***It gives a wrong conception of the nature of law.***

No part of Austin's theory is more severely criticised than his conception of law, as the command of the sovereign. For instance, Laski says that to regard law as the command of the sovereign is, even for the jurist, "to strain definition to the verge of decency". Austin's conception is attacked on two grounds, historical and sociological. In history, law did not originate as the command of the sovereign but as the custom of the people. Law grows, as Maine explained it, as the people grow: it develops with the people. No sovereign, however despotic, could disregard customs. "Ranjeet Singh", says Maine, "never issued a command which Austin would call a law". The rules which regulated the lives of his subjects were derived from their immemorial usages and administered by their village *Punchayats.* Moreover, "Ranjeet Singh never did or could have dreamed of changing the civil rules under which his subjects lived". Even in the developed States of today, the social order is maintained by customary rules. For instance, a sovereign legislature, like the English Parliament, dares not pass a law which upsets the established customs and traditions of the country. Austin endeavoured to meet this criticism by saying that "whatever the sovereign permits, he commands." His critics retorted that the sovereign has to permit what he cannot command. This is the sociological role of law in human life. Austin believed that law is obeyed only when it is issued as a command. But law is obeyed for various reasons, among which force or coercive power of the sovereign is only one, and often a subordinate one. Really the reasons why laws are obeyed are popular opinion, the sense of right, the conditions of social life, habits, a sense of common interests and also, as Maine says, superstition and instinct which is "almost as blind and unconscious as that which produces some of the movements of our bodies". Furthermore, there are certain kinds of laws which cannot be called commands in any sense whatever, as, for instance, the enabling laws.

6. ***It ignores the right and freedom of voluntary associations.***

Later, the Pluralists attacked Austin's view of absolute and indivisible sovereignty. According to them, sovereignty is neither a unity nor absolute. There are several other associations which are of equal, if not greater, importance for the well-being and moral growth of the individual. Whatever might have been the case in the past, the State today is not the only object of the loyalty of the citizens. It is no longer a power-organization. It is a social service State. Service and not command is its prominent characteristics. Other associations share sovereignty and loyalty of the citizens. In such conditions, Austinian view of absolute, indivisible and all-comprehensive sovereign power is both incorrect and dangerous.

7. ***Independence is not the characteristic of the modem States.***

Lastly, Austin's view that the State is externally independent of all other like organizations is also attacked by internationalist writers. Modern age is one of interdependence and co-operation among States and countries. The idea of national sovereignty and independence on which the nation States were organized since the end of the Middle Ages, is both outdated and dangerous in the modern age. Not national self-interest, but the well-being of all nations is the basis of modern life, science and industry. The full utilisation of the world's resources demands co-operation among the nation-States. Hence, instead of Austinian notion of independent sovereignty, we need theory of interdependence of the States. The real unit of allegiance, as Laski says, is the world, and not the nation-State.

Conclusion:

Austin's chief error was that he laid too much stress upon one aspect of sovereignty, the legal aspect, to the exclusion of all other influences and forces which determine the nature of law and sovereignty. This was natural for a lawyer, who was interested in lawyer's view of sovereignty. But for political philosophy and science, it is too narrow and too abstracts a view. As Sir James Stephen remarks, "as there is in nature no such thing as a perfect circle, or a completely rigid body, or a mechanical system in which there is no friction, or a State of society in which men act simply with a view to gain, so there is in nature no such things as an absolute sovereign". It is aptly remarked that "one begins by thinking Austin self-evident; one learns that many qualifications have to be made and, finally, one ends by treating his whole method as absurd and theoretic." Indeed, as Laski said, "it is impossible to make the legal theory of sovereignty valid for political philosophy". Nevertheless, Austin's theory of sovereignty has certain merits and some value. It provides a most consistent juristic theory of sovereignty. It is a logical exposition of the monistic view of sovereignty. If sovereignty is strictly viewed as a legal concept, Austin's theory is, as Garner remarks, clear and logical, and much of its criticism is based on misconception and misapprehension.

PLURALISM

Pluralist Attack on Sovereignty:

The traditional or monastic theory of sovereignty has long been attacked by different kinds of writers and thinkers; such as the federalists, the internationalists, the philosophical anarchists, and certain types of socialists, e.g., Guild Socialists. The pluralists, or as they are more correctly called the political pluralists, are the later critics of monastic sovereignty. Among them we find several shade and differences of opinion. They differ among themselves on almost everything except one, viz., their attack on the claim of the State to absolute sovereignty, i.e., to supreme, unlimited, indivisible and exclusive power over all persons and association within the State.

A brief history:

Pluralist philosophy is a product of the conditions of modern society and life, especially of the industrially developed countries of the West. It first began at the end of the 19th century, but it began to flourish really from the time of the First World War. The German jurist, Otto von Gierke (1884-1921) was the first to expound it as a legal theory of the real personality of the corporations. His theories were introduced into England by the English jurist, F. W. Maitland, who translated Gierke's books into English. In France, Leon Duguit (1859-1928) and several other jurists also attacked the idea of monistic sovereignty. They declared that service not sovereignty, is the essence of the modern State. Dr. J.N. Figgis, a champion of the Catholic Church, and other medievalists, propounded the pluralist theory in order to assert the autonomy of the Church and other religious associations. Other writers, political scientists and sociologists, developed the pluralist theory to defend the rights and autonomy of various other associations, such as the trade unions, economic organisations the family, etc. Thus each of these writers had his own axe to grind against the sovereignty of the State. Among them the most important and well-known are Lindsay, Laski, MacIver, Follet, Krabbe, G.D.H. Cole, Hobson, and others.

Factors for Pluralism:

Let us briefly describe the factors and conditions which led to the growth of the pluralist theory of sovereignty. Firstly, the functions of the State have changed radically. In former centuries, the State was only meant to preserve peace and order and defend the country. For these functions it must use force and, therefore must be sovereign. But now it performs many functions for which the use of supreme or exclusive authority is not essential, because there is no heed to command. These functions are postal services, public works, education, railways, etc. The theory which lies behind these functions is not that of sovereignty but of public service. Hence the activities of the State must be regulated by public law, based not on sovereignty or the power to command but on the principles of public service.

Secondly, the progress of modern science, technology and industry has brought the whole world together. Interdependence of the nations and countries, rather than their independence and sovereignty, is the chief characteristic of the modern age. Only the new theory of pluralist sovereignty can produce the necessary changes in the organisation of the modern State in keeping with this new world order. Thirdly, modern society is complex. It is honeycombed with innumerable associations, groups and organisations, e.g., trade unions, churches, universities, clubs, families, etc. They do not have their own rights and functions, which the State cannot fulfil nor should it interfere in them. They must enjoy autonomy and should not be interfered with by the State, as the monistic theory asserts and justifies.

The group and the State:

The pluralist thesis was based upon the following propositions:

1. Society is composed of a great variety of reasonably independent religious, cultural, educational, professional, and economic groups or associations.
2. Individual realises his true self only in these small groups or associations.
3. The groups are more representative of the individual interests than the all-powerful and centralised State
4. The unrepresentative-ness of the State is still greater, as its public or administrative bodies are dispersed geographically over the country.
5. The associations are not dependent upon the State for their existence.
6. Associations are voluntary, because their members can also be members of other groups or associations, while the membership of the State is compulsory.
7. Public policy is not made by the State but by the free interaction of these associations.
8. State can act effectively only when it is supported by the groups and associations.

Basic Principles of Pluralism.

1. *The sovereignty of the State is not an absolute, indivisible and exclusive power.* The basic difference between political monism and pluralism is their approach and attitude towards the sovereignty of the State. The advocates of the monistic view of sovereignty,

as we have described above, proclaim sovereignty to be absolute, indivisible and exclusive: sovereignty is unitary. The pluralists reject this view of sovereignty. They declare that the notion of the sovereign State is "false in origin, further falsified by history, and, all things considered, useless; worse than useless—dangerous" (Duguit). On the contrary, they proclaim that sovereignty is pluralistic, constitutional and responsible. Modern State is not omnipotent and omni-competent. It is, as Laski puts it, "limited in the force it exercises; it is directive rather than dominating, in the decrees it issues". Its power is shared by other territorial and functional groupings in the society. There are many things which the State does not or cannot do. "Actually, the State is an association like other associations, with the special function of coordinating them. It is a public service corporation" Hence, in the modern State, there is no sovereign or determinate human superior, as Austin said. The pluralists refute and reject the monistic view of sovereignty. Professor A. D. Lindsay says, "if we look at the facts it is clear enough that the theory of sovereignty has broken down". Professor Krabbe of Belgium declared, "The notion of sovereignty is no longer recognised among civilised peoples and should be expunged from political theory". Laski says that the theory of "unlimited and irresponsible State is incompatible with the interest of humanity" and that "the sovereignty of the State will pass, as the divine right of kings had its day". Professor Duguit concludes that "the sovereign State is dead or is on the point of dying".

2. ***Sovereignty is not the source of law: it is limited by law.*** The pluralists attack the Austinian theory that law is the command of the sovereign, that, it originates from him alone and that sovereignty is the supreme and the only source of law. On the other hand, they assert that law is prior to the State or the sovereign, and limits his sovereignty. The State itself is a subject of law and is bound by the rule of law. Duguit says that law is not made by the sovereign. It arises from the social solidarity and social interdependence of the individuals. It existed before the State and is superior to it. It serves certain social purposes and is, therefore, obligatory both on the individuals and the State. Like private citizens, the State is responsible for its acts. Law limits the State and no.: *vice versa.* The State's duty is to provide certain public services in order to promote general well-being. The idea of public service must replace the idea of sovereignty. For this reason, Duguit advocates territorial decentralisation and professional and administrative federalism. Another pluralist, Krabbe, declares that the State is the creature and not the creator of law. Law serves social interest; it alone is sovereign. Roscoe Pound says that law is created by social interest. In short, the pluralists assert that law is not made by the sovereign, or sanctioned by his coercive power. It arises from social needs and interests of the people and is obeyed because of their social sense of

right and justice. We obey law not because of the fear of punishment but because of social opinion.

3. ***Society is federal and pluralist:*** *It is a community of communities, a group of groups.* The pluralists reject the monist view that society is organised on the principle of the "State versus the Individual." They say rightly that human society today consists of a bewildering variety of associations, groups, corporations and organisations which promote the economic, social, religious, political, cultural, intellectual and other interests of their members. State is not an association of individuals, as it was wrongly believed formerly; it is an association of associations, a group of groups. The individual does not exist as a solitary atom but as a part of a social molecule, i.e., social group. He is necessarily a member of an association or group, and often of many association and groups. The State does not confront him alone, but always through some associations, groups or corporations. They mould his mind, his ideas, and his character. They provide him with opportunities for self-development and self-realisation. They determine his career and influence his work and achievements. The State is only one among such associations, and cannot claim exclusive control over him. "The mere emphasis laid on groups", says Ernest Barker "affects the theory of the State. We see the State, less as an association of individuals in a common life; we see it more as an association of individuals, already united in various groups for a further and more embracing common purpose." The individual owes dual loyalty and dual allegiance to the State as well as to his association or associations. Man, says Laski, is a creature of competing loyalties. The State must, therefore, compete with the trade unions, employers' associations, friendly societies, churches, political parties, professional associations, etc. Now, each of these associations and groups has it own interests, purposes, its own laws, and its own will or personality". According to Gierke, a corporation has a real personality, a will of its own: "the State should accept the common point of view that permanent associations have rights and duties as groups, whether or not the State has accepted them as legal corporations." Moreover, the State does not create the associations; they exist independently of it and are even prior to it. "The State did not create the family nor did it create the churches; nor even in any real sense can it be said to have created the club or trade union, nor in the Middle Age, the guild or the religious order, hardly even the universities or colleges; they have all arisen out of natural associative instincts of mankind, and should all be treated by the supreme authority as having a life original and guaranteed". It is on the basis of the federal structure of society that the pluralists assert the most important and fundamental principle of their philosophy, viz., the autonomy of the associations, which we consider next.

4. ***The associations are autonomous and sovereign.*** The pluralists deny that the State is a unique organisation. Other associations are equally unique, important and natural. They are, therefore, for their own purposes, as sovereign and autonomous as the State. Sovereignty is pluralistic because society is federal. It is wrong, says Dr. Figgis, for the State "to invade the proper spheres of such essential social groups as churches, trade unions, local communities and the family". Every association must be independent within its own sphere of interests and activities. It must be completely autonomous. Laski puts it thus: "Because society is federal, authority must be federal also". The State has no right to exclusive allegiance or loyalty of its citizens except when it has earned it by its moral appeal or moral adequacy. Otherwise, he says, "we give to this particular group, the State, no peculiar merit". The State has no superior claim over other associations. The pluralists insist upon equal right of all groups to the allegiance of their members if they are to perform valuable functions in society. Thus they organise power in the State, not in the hierarchical structure, as at present, but in a co-ordinate federal manner. Maclver, for instance, gives the State an essential character of a corporation possessing "definite limits, definite powers and responsibilities. The State becomes one of the several sovereign associations in the society, enjoying no special and exclusive powers of its own". This is the quintessence of Pluralism, and hence it is called so. Thus, says Miss Follet, the pluralists "prick the bubble of present State's right to supremacy". .They recognise the value of the group and declare that the State has no special claim on the citizen's regard or respect. They contend that voluntary associations should not be dictated by the State.

5. ***State's absolutism rejected.*** The pluralists do not abolish the State; they only condemn the sovereign State. They still believe" that the State is necessary to perform one function affecting the common interests of the entire nation. But along with the State, the special interests should be regulated by the groups themselves as particular sovereigns, uncontrolled by the sovereign State. This is the essence of their doctrine. But herein we also find some essential differences. According to some of the pluralists, the State is only *"unus inter pares"* --one among equals, and, therefore, must have no control over other associations. According to others, the State is *"primus inter pares"—the* first among equals, and therefore may have the power of co-ordinating the functions and activities of other associations.

6. ***State absolutism is also internationally dangerous.*** Some of the pluralists, e.g., Laski, also emphasize the dangers of State absolutism to international life and co-operation. Externally, as Laski points out, the concept of an absolute and independent sovereign State, demanding absolute and unqualified loyalty and support from its citizens, is incompatible with the interest of humanity. In a creative and progressive

civilisation of today national boundaries and prejudices are outdated and dangerous. The notion of independent sovereignty leaves one nation free to attack another. But this is undesirable. The real unit of allegiance today is the world and our real obligation to obedience is to the total interest of all the nations of the world, the whole mankind.

Criticism:

1. *Pluralism belittles sovereignty.* Broadly speaking, there are three attitudes towards sovereignty of the State among the pluralists: (a) some want to abolish the State altogether; (b) others seek to reduce it to the level of other associations; (c) some other still give it a superior but co-ordinate authority among other associations.

(a) There are some pluralists, especially those who are inclined towards guild socialism and syndicalism, who want to abolish the State completely and reorganize society on a scheme of territorial and functional decentralisation and federalism. In this scheme, each association and group will be an independent and autonomous unit of the society. But they fail to show how social unity will be kept and disputes and conflicts of interest of the various groups and associations settled, and, above all, which of the organisations will be entrusted with the task of protecting the common or general interests of the society as a whole and also of protecting the individual against the group itself. If no such authority is set up, the society will be reduced to a disorderly and chaotic condition. Anarchy would reign supreme. The individual will be at the mercy of the groups. But if a common authority to co-ordinate the functions and interests of the various groups is set up, it will necessarily be entrusted with superior powers to regulate their relations, settle their disputes and promote the general well-being. If so, the State will again come into being. In short, such a solution does not lead to the pluralist goal of abolishing the State. It will throw out the State from the front door but only to bring it again into the society from the back door.

(b) The attempt to reduce the State to the level of other associations is also beset with the same difficulties as the pleas of abolishing it. To make the State one among the equals, —"unus inter pares."—also leads to anarchy and disorder, unless the State is not endowed with superior powers. But this means that the State will again become the sovereign State.

(c) To make the State the first among the equals, *primus inter pares*—*is*, to open the door to the sovereignty of the State. If the State is first among other associations, it will have also the power to decide and settle their disputes, regulate their relations and define their functions with regard to the common good or general interest. This means its law will prevail over all others, and it will be superior to the interests and will of other associations. In other words, the State will become supreme over all associations and groups. Thus the sovereign State will re-emerge with all its superior, final and indivisible powers.

1. So viewed from any angle, pluralism fails to solve the problem of the Sovereign State and is unable to replace it by any non-political reorganisation of the society. Many of the pluralists were themselves driven to this conclusion after many years of study, observation and experience. The State, says Gierake, "is distinguished from other social bodies by its position above them, for the State alone there is no limit through a higher collective existence; its will is the sovereign general will; the State is the highest MACHTVERBAND--the power group". Laski agrees that "to satisfy the common needs, the State must control other associations to the degree that secures for them the service such needs require". He accepts the need for "ultimate power of the State". Laski finally concedes, "and, however much we may reduce the direct administrative capacity of the political State, the fact remains that once it is charged with the provision of services which men stand in common need, it has their interests in trust to a degree with which no other body can...Even if we abstract from the modern State the final control of international affairs, the civic area of internal matters that is left seems, on any casual glance, overwhelming." So the pluralists have themselves failed to give up the idea of sovereignty or to expunge it from political theory. Indeed, it is aptly remarked that many of them "wipe off sovereignty with one hand and write it again with the other under a different name". "While most pluralists", it is said, "have sought to drive sovereignty out of the front door of their new society, they quietly smuggle it again through the back door, more or less disguised but nevertheless a sovereignty." For instance, the sociologist Krabbe would abolish the State only to set it up as "legal community" or the jurist Duguit would replace sovereignty by "social solidarity," or the guild socialist Cole would do away with the supreme State and in its place set up a "democratic supreme court of functional equity". So, the fact remains that whatever names are given, sovereignty still remains sovereignty—the supreme, unlimited, illimitable, final, absolute and exclusive power of the State. Hence, we conclude that to destroy sovereignty is dangerous, and to talk of destroying it is futile. The pluralist theory is dangerous to the point

of absurdity. If put into practice it will disintegrate society, cause anarchy and disorder and destroy the possibility of social development and progress. Modern society cannot exist without the sovereign State. We may express it in brief thus: no Sovereignty, no State; no society.

2. ***Law originates with the State and is not superior to it.*** When the pluralists assert that law existed prior to the State and is superior to it, they confuse law with custom and fail to distinguish law from morality. Law has two important elements; content and sanction. Its contents are the social needs, relations and interests. The pluralists are right when they say that the law embodies these social needs and purposes. But what makes law a law is the force or sanction behind it which the State alone can provide. Without this sanction it will never be a law binding on all to obey it. This is the distinction between law and morals which the pluralists have overlooked. Also law is not superior to the State. Such a law will limit its supreme power to change or repeal a law e.g., a religious doctrine. If so, there will be a superior power which will bind the State to observe its law. Such a State is incapable of progress, because it cannot adjust its laws to new social conditions, needs and relations. Hence the idea that law is superior to the State is unprogressive and unacceptable.

3. ***The State must possess supreme power to regulate the relations among various associations.*** We now come to the basic point of the pluralist philosophy: "State *versus* the social group". The pluralists claim autonomy for the social groups or association, because they perform certain social functions and fulfil some social needs which State-control and State-interference disrupt or destroy. Some of them seek to limit sovereignty of the State in order to ensure or enhance the liberty of the individual. But, as we have said above, to abolish the sovereign State and to make all associations autonomous and independent is to disintegrate society, and split it up into as many 'little States' as there are 'autonomous associations'. This will result in anarchy and confusion. That is why the pluralists are forced to grant some authority and some superior powers to the State. Dr. Figgis describes the State as "the society of societies" with "a distinctive function and a superior authority to regulate such groups and to ensure that they do not out step the bounds of justice". The social groups are, indeed, useful and they may play a supremely important role in the life, happiness and personality of their individual members. But the pluralists fail to keep in mind that they can exist and perform their functions by virtue of the State and in the conditions it creates Without the State they would not exist. But the State performs the function of maintaining them, and co-ordinating their relations and activities only when it is supreme and sovereign. We again come to the same conclusion; no sovereignty, no State, no social groups. The State, as a general and all-embracing scheme of social life, performs three functions with regard to the social groups: it adjusts

relations between itself and the groups, between the groups themselves and between the groups and their individual members. It performs these functions for three purposes; first, to preserve its own unity and integrity; secondly, to preserve the equality of associations before the law, and finally, to preserve the individual from the possible tyranny of the associations. If not so, the weaker associations will be at the mercy of the stronger ones, and the liberty of the individual will be at the mercy of the group. Thus pluralism will lead to the destruction of those ideals for which it stands viz., the independence of the social groups and the liberty of the individual.

Value and merits of Pluralism.

In spite of the shortcomings and pitfalls of pluralism, it does not mean that it is a barren political philosophy. The pluralist criticism of the monist theory of the State has corrected many of its mistakes, widened political vision and has contributed much to the political theory. First of all, pluralism has introduced the group into political thought. Formerly, political science and philosophy were concerned with the State and the individual. But now they have to view society as a vast and complex organisation of groups and associations as well as of individuals. In this way pluralism has pointed a way to a more concrete method of social organisation than the one hitherto employed.

Secondly, by insisting that sovereignty is not merely a legal concept, as the jurists think, the pluralists have shown that it must be understood in a wider sense of the greater interests and influences in which it should be defined. Thirdly, they have pointed out the dangers of over-interference by the State in the affairs and interests of the social groups. They must enjoy greater freedom and independence, if they are to fulfil their social functions in an adequate manner. The pluralists recognise the value of the group for social life, well-being and progress. They emphasize that the interests of the State are not always identical with the interests of the social units within it. Fourthly, they correct the tendency of idealization and glorification of the State. They prick the bubble of omnipotence and absolutism of the State, with which the idealists, especially Hegelian and absolutist idealists and Fascists and Nazis, have credited the State. Fifthly, they emphasize the need for decentralisation of political powers, both territorially and functionally. They provide us with a concrete programme for a decentralised industrial and economic system, in which the workers, the producers and the consumers have greater freedom and better life. Lastly, the pluralists are the prophets of the future for they proclaim the need to limit the external sovereignty of the State in the interest of humanity as a whole. They show a path to international interdependence and co-operation. They show a way to a world order in which the absolute sovereignty of the national States will be replaced by international organisations.

Conclusion.

In short, the pluralists have protested against the rigid and dogmatic legalism of the monist theory of the sovereignty of the State. They have insisted on the necessity of studying the actual Facts of political life. They have upheld the principle of federalism, in social organisation. They have warned against too much interference by the State in individual and group life. They have paved the way to internationalism as against nationalism of the 19th century. They have insisted that the State is not a policeman writ large, but has moral obligation to devote its supreme powers to the well-being and progress of the individuals and groups. Thus, pluralist philosophy has directly contributed to the conception and growth of the Welfare State. In this respect, monism has become a conservative political theory, while pluralism has become a critical one. But pluralism, as a political philosophy, is dead or dying. It is not so much a theory as an attitude. It has no inner consistency of views or principles. It has now become a general theory of the social structure of the State. Sovereignty has not been expunged from political theory, nor has the sovereign State been reduced in stature both in national and international politics. Pluralism has only widened and deepened our understanding of the sovereignty of the State. It has not expunged it from Political Science. But political behaviouralism, a new science of politics, has done so, as we shall now explain.

Behavioural Political Science and the End of Sovereignty:

Powers, not sovereignty, is the basis of politics and State: The concept of sovereignty, which has played so great a role in modern political thought for more than four centuries, has been totally discarded by the political scientists of the behavioural school of Political Science, which came into prominence since 1950 in the USA. According to these political scientists, what distinguishes politics and government is not sovereignty but power. They regard the concept of sovereignty as unscientific, because it cannot be empirically tested and operationally verified by the methods and techniques of scientific analysis. Power is an authoritative decision-making relation between two persons or groups, and can be found in various kinds of associations or social units. What distinguishes government (or State) is its monopoly of legitimate power or coercive authority. But it is not sovereignty or supreme, absolute, illimitable power, because it is shared, checked and counterbalanced by another power. For instance, in the traditional societies, it is shared with the family, clan or caste, religious bodies or some other groups, while in the modern States it is exercised as a monopoly of legitimate physical coercion. By being legitimate is meant that it is accepted and consented to by the ruled, and thus shared, checked and counterbalanced by their representatives.

In all political systems (societies, States, governments), power is exercised for allocating goods, values and resources among various individuals, groups and classes, as desired and willed by them. When their desires, demands or wills change, a new power arises to satisfy them after a conflict or not with earlier powers. It means that, in all its manifestations of consent, share or conflict, power is a relation between persons, groups and classes for allocative purposes. Hence the more the allocative resources of a political system the greater its power and vice versa would be. But as power relations are structured in more or less permanent forms, they give rise to various kinds of classes, elites, both persons and groups. In traditional societies, these classes and groups are more long-lasting than in the modern societies. What is more, power is a quantifiable phenomenon. It has scope or extent, and amount or magnitude. By scope is meant the extent to which power is exercised, or the number of individuals and groups who are ruled or controlled. By magnitude or amount is meant the degree of effectiveness of or compliance with the allocative decisions of the government. It means how much its decision or policy can command the obedience or compliance of the people. Thus it is mathematically or statistically possible to measure the scope and magnitude of power. Furthermore, this analysis provides the political scientists with such concepts as "the centre of power", "the ruling group" or "the prime movers". For instance, the prime movers are those who stand at the centre of power, while the ruling groups constitute the political elites in a political system.

With the concept of "prime movers", the behavioural political scientists came nearest to the concept of sovereignty. However, they never use this term. The prime movers are the top-men in a hierarchical political system or government. But their power is not and cannot be equated with sovereignty, because their power is not supreme, absolute or illimitable, which are the attributes of sovereignty. Robert A. Dahl, a behavioural political scientist, writes, "According to democratic theory, in democracies the people are the prime_ movers; but few political analysts would regard this as a satisfactory description" of the actual political system of any nation-State. Indeed, in systems that are not strictly hierarchical, but operate instead with many mutual controls, there is no reason to suppose that ultimate prime movers exist."[40] In other words, the search for sovereignty in a political system is an exercise in futility. Power is necessarily limited by, and shared with, other power or powers for the interests of both the rulers and the ruled.

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[40] **Cf. Robert A. Dahl. *Modern Political Analysis, p.* 41. Third Edition. Yale University Press 1977**

Chapter 17

Islamic Theory of Sovereignty

Islamic theory of sovereignty is radically different from the Western theories of sovereignty. It is derived form the Quran and Sunnah, which are its basic sources. Essential elements of the Islamic theory are:

1. Sovereignty of Allah;
2. Vicegerency (Khilafat) of Man; and
3. Delegated or Limited Authority of Legislation of the Amir or Legislature.

1. *Sovereignty of Allah'.* The basic tenet of Islam is the sovereignty of Allah. Islam teaches that sovereignty or supreme power belongs to Allah and Allah alone. No human being can be the lord of other human beings. The Quran says:

'To Allah belongs the sovereignty of the heavens and the earth." (42:48)

It says again:

"He is Allah, the One and the Only One, the Eternal, Absolute *(samad).* He begeteth not, nor is He begotten, and there is none like unto Him". (1:4)

And again:

"He is Allah, the Creator, the Evolver, the Bestower of Forms; to Him are attributed the Most Beautiful Names; whatever is in the heavens and on the earth doth declare His Praises and Glory and He is the Exalted in Might, the Wise." (22:24)

And again:

"It is, He Who gives life and death and He has power over all things." (42:48)

And again:

"He is the First, and the Last, the Evident and the Immanent." (47:3)

Maulana Sulaiman Nadvi has explained the sovereignty of Allah in a comprehensive manner as thus: "Muhammad ﷺ has manifested the glory of Allah who is *Malik* (master) from above the sky to beneath the earth; there is none who shares his work; there is none who is a partner in His sovereignty; there is none who shares with him power in the administration of the Universe; not a single particle of the creation *(ka-enat)* is beyond orbit of his command; nothing in the world is concealed from His sight, whether they are trees, stones, forests, mountains, deserts, rivers, the moon, the earth, the sky, man, animals, the articulate or the inarticulate—all declare His Glory and all glorify Him with praise. All are weak and He alone is Almighty; all are dependent *(muhtaj)* and He alone is the Self-Sufficient. All are His servants. He alone is the King of Kings. In short, whatever is in the heavens and on earth (from *arsh* to *farsh)* is His and he alone has His Sovereignty over it. He is Pure (free from all taint), Holy above all evils, and is beyond all blames. He possesses all attributes of good, glory and perfection. There is none like Him. He is beyond and high above all similes and metaphors *(tashbih wa tamthil)* and all human relationships". (See his *Sirat al-Nabi,* Vol. iv. p. 478)

Attributes of Allah's Sovereignty: The Sovereignty of Allah has the following attributes:

1. ***Allah's Sovereignty is absolute':***

Allah is the Almighty and He is supreme over all things: ***ala kulli shain Qadeer,*** says the Quran. He is the Absolute or ***Qadir-i-Mutlaq.*** He is the sole possessor of all power or *malik al-mulk* and *Malik an-Nas.* Only His is the Kingdom of the Heavens and the Earth. Hence His powers are unlimited and absolute. He is omnipotent, omnipresent and omniscient.

2. ***Allah's Sovereignty is universal and all-comprehensive:***

Allah's sovereignty covers all and touches all. It extends to every particle in the heavens and on the earth. Indeed, there is no limit and no exception to His power, for it is all-comprehensive. Allah encompasses everything and all things in the heavens and on the earth. Even a leaf on the tree does not move without his permission or will. He is the Lord of both the worlds *(rub ul-alamin).* From Him come all things and to Him will return all things.

3. ***Allah's Sovereignty is eternal.***

Allah's sovereignty is eternal, from the beginnings of the time to the end of time. His sovereignty is not fleeting or transitory: it is permanent and eternal. All things and beings will taste death. Allah's authority is everlasting and immortal.

4. *Allah's sovereignty is indivisible and inalienable:*

Allah's sovereignty remains always indivisible; although He may grant authority to anyone He may please. But He can withdraw it at any time as He likes. His sovereignty is inalienable: it cannot he given away to anyone, nor it is shared with anyone else. These attributes are manifest in the verses of the Quran, as for example, "There is no god, but God." Or, "If there were gods beside Allah, then verily (both the heavens and the earth) had been disordered. Glorified be Allah, the Lord of the Throne, from all that they ascribe (unto Him)."- (21:22) or again, "Allah hath not chosen any son, nor is there any god along with Him; else would each god have assuredly championed that what he created and some of them would assuredly have overcome others. Glorified be Allah above all they allege, Knower of the invisible and visible! And exalted be He over all that they ascribe as partners unto Him". (23:90-93)

These verses show that Allah's sovereignty is monistic, and not pluralistic. A pluralistic sovereignty is a contradiction in terms.

5. ***Allah's sovereignty is original'.***

Allah's sovereignty is not derived from any being or authority superior to Him. He is Himself Sovereign, Eternal and Everlasting. He alone is the wonderful Originator *(Fatir)* and the Creator *(Khaliq)* of all things in heavens or earth. He is neither begotten nor does He beget. He does not eat, He does not drink and He does not sleep. He is free from all limitations of the mortals. He sustains everything. He is the First and He is the Last. Everything is mortal *(fani)* and in the end everything well return to Him. Hence He is original. He is indestructible. He alone really exists and He alone will exist for ever, For He is the only Reality. He created all, but He is Himself not created.

Vicegerency of Man: The Quran says:

> "Lo! The earth is Allah's. He giveth it for an inheritance to whom He will. And lo! The sequel is for those who keep their duty (unto Him)". (7:128)

Again it says:

> "And when the Lord said unto the angels: Lo! I am about to place a *Khalifa* (vicegerent) in the earth." (2:30)

And again:

> "Say O Allah Owner of Sovereignty! Thou givest authority unto whom Thou wilt and Thou withdrawest authority from whom Thou wilt. Thou exaltest whom Thou wilt and Thou abasest whom Thou wilt. In thy hand is the good. Lo! Thou art able to do all things". (3:26)

These verses, among many others, supported by the *Ahadith* of the Holy Prophet ﷺ, proclaim the fact that God is the Lord of the heavens and of the earth. He delegates authority for the administration of peace and justice as a trust to such men as He wills. Those who exercise authority form a State, but their authority is a trust, to be exercised so long as they dispense justice, uphold morality and punish wrongdoing. The State is, therefore, a democracy under the sovereignty of Allah. Its authority is really limited sovereignty, that is, authority limited by the sovereignty of Allah; it is a trust which can be withdrawn anytime as Allah wills." Authority is to be exercised within the limits imposed by Allah. This is the essence of 'the Khilafat or vicegerency of man, as proclaimed by the Quran. This principle is embodied in the Preamble of the 1973 Constitution the Islamic Republic of Pakistan: "Whereas sovereignty over the entire universe belongs to

Almighty Allah and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust."

Maulana Abu'l Ala Maududi, in his book *"Islamic Law and Constitution"*, published in 1969, says "that the sovereignty in Pakistan belongs to God Almighty alone and that the Government of Pakistan shall administer the country as His agent." He further says that Islam is "the very antithesis of secular Western democracy. The philosophical foundation of Western democracy is the sovereignty of the people. Law-making is their prerogative and legislation must correspond to the mode and temper of their opinion. Islam altogether repudiates the philosophy of popular sovereignty and rears its polity on the foundations of the sovereignty of God and the vicegerency (Khilafat) of man." Therefore, he adds further, in Islam the State can only be a theo-democracy, as he puts it, which is, according to him, the-true definition of an Islamic State. It is a *Shariah-State*. That is to say, it exists to enforce the *Shariah* or the Divine Law of Islam.

The Concept of the Amir

The Quran says;

> "O ye who believe! Obey Allah and obey the Messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the Messenger." (4:59)

The *amir* may be one man or group of men, such as a legislature. But he or the legislature exercises not sovereign power but only delegated or limited authority, as declared by the *Shariah*, the Divine Law. The 1973 Constitution of Pakistan declares that "And whereas it is the will of the people of Pakistan to establish an order, wherein the State shall exercise its power and authority through the chosen representatives of the people." It means that the supreme authority is Islam can lie with a single ruler, or with a legislature. But they exercise authority only in a limited sense, that is, within the limits imposed by Allah and His sovereignty. Thus the Islamic theo-democracy can be a limited monarchy or republic.

PART III

THE INDIVIDUAL AND THE STATE

If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.

(J.S.MILL, On Liberty.)

The more corrupt the Republic, the more the laws

(Tacitus.)

The term Rule of Law, like the phrases: "Love of God" and "Brotherhood of Man", is a short and simple expression of one of the few most sublime concepts that the mind and spirit of man has yet achieved.

(George H. Boldt.)

Freedom is always the freedom to think differently.

(Rosa Luxemburg.)

Chapter 18

Law, its Kinds: Morality

What is Law?

The term 'Law' is used in different senses in various sciences. Basically, it means the uniformity or fixedness of action and behaviour of a thing or phenomenon. The word 'law' denotes this sense etymologically also. It is derived from the old Germanic word *"Lag"* which means something fixed or unchanging. But this term came to be differently understood in the two great divisions of the sciences, physical and social. In physical sciences, law denotes the principle of *uniformity* in the behaviour or movement of the things or in the occurrence of the phenomena of nature. It is in this sense that it is used in such phrases as the law of gravity, the laws of motion in Physics or the various laws in Chemistry.

In the social sciences, law is used in two different senses. Firstly, it is used in the same sense as in physical science, i.e., as a uniformity of occurrences or behaviour in social processes, e.g., the laws of demand and supply as in Economics. Secondly, it is used in a different sense, as explained here Man's behaviour is motivated by will, desire or, even by caprice and whim. But society cannot exist without some uniformity of behaviour and conduct. Hence it becomes necessary that human actions and movements should be regulated by a body of rules to guide them uniformly. This could be done by the conscience or moral sense of the individual or by customs and public opinion, guiding him to do what is good. But moral sense or conscience may be too weak to enjoin or prohibit one's actions and social opinion may be silenced by the wealth, social position or some other advantage which enable some persons to refuse to respect the custom or the moral rule. For this reason, society has created the State to see that certain socially necessary actions or prohibitions must be performed by all its members. The State enforces them by its coercive power. The rules, which define these socially necessary actions or prohibitions, are called laws of the State. They are political laws, to distinguish them from the social customs, moral laws and rules, and the physical laws of the exact sciences. In Political Science, Jurisprudence and other sciences we are concerned only with the political laws, or the *positive laws*, also called *laws as such*. The purpose of these laws is obvious. They embody the will of the State. They create the conditions of liberty for the individual. They create unity and organisation in the society. The State exists mainly to declare or frame these laws, and to enforce them, by its coercive power of punishing those who do not obey them.

Definitions of law.

Here are some definitions of law given by eminent writers Aristotle defined law as "whatsoever the ruling party of the State shall enact" Austin defines law as thus: "Positive laws consist of commands set as rules of conduct by a sovereign to the member or members of the independent political society wherein the author of law is supreme' Or. briefly, "Law is a command issued by a superior to an inferior". T.H. Green defines law as "the system of rights and obligations which the State enforces" President Wood row Wilson gives a more comprehensive definition in these words: "Law is that portion of established thought and habit which has gained distinct and formal recognition in the shape of uniform rules backed by the authority and power of the government.". **Holland,** an English jurist, says, "Law is a general rule of action, taking cognizance only of external acts, enforced by a determinate authority, which authority is human, and among human authorities is that which is paramount in a political society", or, briefly, "Law is a general rule of external action enforced by a sovereign political authority" **J.C. Carter** in his book: *Law, Its Origin, Growth and Function,* says: "Law always has been, still is, and will for ever continue to be the custom". **Salmond,** another jurist, says: Law is "the body of principles recognised and applied by the State in the administration of justice.

We may define law simply thus: Law is a general rule of human conduct, taking cognizance only of external acts, recognised or framed by the State and enforced by its coercive authority.

Analysis of Law.

If we analyze the nature of the positive law, we find that it consists of six characteristics: viz., uniformity, universality, externalness, content, formulation and enforcement or sanction.

Uniformity. Law is a general or uniform rule of human conduct. It requires that an individual will always do or refrain from doing something. It means that whatever the circumstances or situation, the individual will always perform a particular act as defined by the law or refrain from doing it as prohibited by it. Thus, law is, first of all, a Statement of *"Do's"* or *"Do'nts"*.

Universality. Law is applied to the whole civic community. It is meant for all individuals who live in the State. Law is universal, because no persons or group of persons can claim exemption from its obedience. Law knows no exception. It covers all persons and associations equally. This is one of the important principles of law, known as *the principle of equality before law.*

Externality. Positive law or the law of the State deals only with the external acts and not with inner thoughts or intentions of an individual, as the moral rules do. It is because the State is unable to go into the motives and intentions of the individuals. It cannot enforce thoughts. It cannot compel the people to think honestly or truthfully. The courts also cannot take notice of the motives or intentions of the persons, because as the medieval lawyers said, devil himself does not know what is in their minds. These are the reasons why law takes cognizance only of external acts.

Content. Most of the laws are the Statements of rights and duties. This is their real purpose and content. They define the necessary relations between two or more individuals or groups of individuals or between the individuals and State or public body. These relations impose a duty or an obligation on some other individual or individuals, on one side, and confer a right on some individual or individuals, on the other. There are, however, certain laws which do not describe rights and duties. They may better be called acts rather than laws. For instance, a law to build a particular hydel dam, say Tarbela Dam, is not a law, but an act of the State. Similarly, a law to set up a particular department, e.g., a university or a military unit, is not a law in the real sense, but an act of the State. Such laws do not grant rights to any person and strictly speaking are not laws.

Formulation. The law must be recognised as such when framed by the State, that is, by its legislative organ. Unless a custom or a moral rule or any social relation and interest is not formulated or legislated upon by the State, it will not become a law, nor will it be enforced by the courts. A mere custom is not binding on the citizens.

Sanction. Law is enforced by the State, if need be, by its coercive power or by its power to reward. It punishes those who violate it by fine, confiscation of property, imprisonment and, in the last resort, by execution or exile. This force or threat of punishment or giving of reward by the State is called its sanction. Other kinds of laws, such as moral rules and social conventions and customs, are not supported or sanctioned by the coercive authority of the State. Thus alone life in a society can be made comfortable and predictable for the well-being and happiness of its people.

Three Schools of Jurisprudence.

Since the days of John Austin a controversy is waged on two questions concerning law, viz., the nature of law and its source. Generally speaking, there are three views regarding the nature and origin of law. First, there are the views of the analytical school, which emphasize authority and compulsion of the formal rules of society. Second, there are those of the historical school, which emphasizes the development of habit and custom. Third, there are those of the sociological school which emphasizes the needs and conditions of the society and its individuals, which needs be protected by its necessary rules. We shall now describe each school here.

Analytical or Positivist School.

It owes its origin to John Austin who was its leading exponent in the nineteenth century. It is also called *the 'positive' school,* because it considers law as it is and not as it ought to be. As it was the first modern school of law, it is also called the classical, orthodox, or conventional school. The analytical or positivist theory of law is based on two principles. Firstly, as regards the source, *law is the command of the* sovereign, "the determinate human superior" as Austin said. In other words, law is made only by the sovereign authority of the State. Legislation is its only source. Secondly, force is the essence of law. What cannot or is not enforced or sanctioned by the coercive power of the State is not law. Law compels obedience: if it cannot, it is no law. As Holland puts it, "the most obvious characteristic of law is that it is coercive."

This theory of law was vehemently attacked by Maine and other historical jurists in the 19th century and is today severely criticised by the political pluralists and the sociological jurists. It is declared to be too rigid, abstract and unprogressive. It docs not take into view the historical conditions in the growth of law and the social needs and interests. In spite of these shortcomings, the jurists of the Analytical School have contributed much to the theory of Law and Political Science. First of all, they have laid emphasis on clear definitions and logical distinctions. In this way, the analytical method has removed uncertain and ambiguous elements from the conception of law. It can no longer be confused with the "law of nature" or the law of God, as it was done before the 19th century. Secondly, this school has given us the juristic or legal theory of sovereignty. Lastly, as the analytical theory has been closely associated with the utilitarian theory, it has upheld the principle of *the greatest good of the greatest number* in legislation. Thus this school has advocated that Laws must be made by the State in the interest of general welfare. This school derives its political philosophy from Bodin, Hobbes and Bentham.

Historical School. It propounds a historical theory of law. It rejects the contention that the command of the sovereign and the coercive force of the State are necessary characteristics of law. Instead of being a deliberate enactment by the sovereign, it believes that law is a result of a long historical growth in the society, because it evolves from social customs, conventions, religious precepts and principles and economic needs and relations of the people. In other words, this school looks behind the sovereign into the history of the people or society in order to discover the real sources of law. It regards legislation as a formal source, and the customs, traditions and popular consent, as the material sources of law. It studies the origin and growth of laws. It views the law as the product of the forces and influences of the past. Law is not 'made' by the sovereign but is 'suggested' to him, as Woodrow Wilson says, "by the circumstances and opinions of the nation for whom he acts". The State does not create law it but merely formulates and enforces it.

The chief exponents of this historical theory were Savigny in Germany, and Maine, Maitland and Pollock in England. This school has one defect. It is conservative in its attitude and looks too much to the past. It emphasizes legal history, but not legal philosophy. It has one merit. It shows that law has its roots deep in the history and will of the people, without which it will not be really obeyed, no matter how powerful the law-making authority may be. It shows that law is first a custom and then a code. Thus it corrected the narrow, formal and rigid view of the Analytical School.

Sociological School. Iris a modern school of Jurisprudence, and is influenced by modern psychology and sociology. But the jurists of this school do not hold common principles and views. The chief exponents of this school were Duguit, Krabbe and Laski. All of them severely criticised the analytical theory of law. They find the source and sanction of law in social need and necessity. According to Duguit, man lives in a society in which his needs and interests can be realised. Society has unity or solidarity based on the social rules by which alone social needs and interests can be realised. Every individual observes these social rules because both self-interest and experience tell him that by doing so he can satisfy his needs and interests and live happily. The knowledge or awareness of the social needs and rules is the real source and sanction of laws. The State does not create them but merely formulates them, so that social solidarity may be preserved and social purposes of the individuals may be realised. *The social rules one the laws*. They come from the society and not from the State. The sanction of the law is not the force of the State, but the psychological awareness of the individual that his obedience of the law will meet with social approval and his disobedience with the disapproval of his society. Laws, as Duguit defines, are, in the fundamental sense, the rules of conduct which normal men know they must observe in order to preserve and promote the benefits derived from life and society. "They are the necessary relations of social living". According to Krabbe, another sociological jurist, the source and sanction of laws lie in man's sense of right, in his value judgement of what is right and wrong, just and unjust. He defines law as "the expression of one of the many judgements of value which we human beings make, by virtue of our disposition and nature". We obey law, not because we are afraid of the punishment or power of the State, but because it is just and good. Law is above the State. Krabbe upholds, as he puts it, the sovereignty of law and rejects the sovereignty of the State. According to Laski, the source of law is in the consenting mind of the individual. We obey it because it enables us to satisfy our desire, and not because of the policeman, i.e., the State.

Conclusion.

We have considered three theories of law. None of them fully explains the nature of law, yet each of them contains some amount of truth. Let us now see, in the light of these theories, what a law is and should be. First of all, we may describe the negative features of law. Law should not be static and unprogressive. It should not be based on mere force. Law is not entirely a command of a determinate human superior, as the analytical jurists say. The positive features of law are: - Law must be progressive. It has this quality when it adjusts itself to the social, moral, religious and economic changes and developments in our life and society. All jurists agree that law is an instrument of human welfare, but the sociological jurists have laid particular stress on it. Law must not be a mere order of the State. It must embody social needs, interests and purposes. It must have the consenting will of the individuals. *The root of obedience is not coercion but the will to obey.* Lastly, law is a universal rule; it must be applied to all citizens equally. Exceptions would kill it, because people readily disobey a law if they see that it is not enforced upon some persons or sections of society. Lastly, law must be sanctioned by force behind it. But this force must be both physical and moral. The State must rely more on moral force than on physical compulsion to enforce its laws.

SOURCES OF LAW

Following are the six sources of law:

1. Custom or Usage.

It is the earliest source of law. A custom is the habit of the people, handed down to them from generation to generation as their traditions. It deals with such affairs and relations which occur repeatedly in the social life of the people, like agricultural operations and relations, marriage, family relations, inheritance, sale and purchase of goods, etc. Indeed, custom was the king of the primitive people before the political sovereign or State arose. Till very recent times, the State did not make laws but only maintained customs and usages of the people. Even today many laws are derived from them. They are called customary laws. The most prominent example of such laws is the English Common Law. It comprises those customs which the English State, that is, the English Judges, accepted as law.

2. Religion.

Religion, magic and superstition have been very old sources of laws. In earlier ages, people followed the precepts and rules of their religions, which they believed to be of divine origin, called divine laws. They believed that disobedience of divine laws would be punished by divine wrath. The religious law became the source of law. For instance, the Muslim Law or *Shariah* is derived from the Quran and the Hadith; the Hindu law is derived from Hindu Dharma, or Shastras.

3. Judicial Decisions.

Judges are primarily concerned with the adjudication or settlement of disputes according to the existing laws. But sometimes a case may be of such a nature that the existing law may not cover it fully. If so, the judge would interpret the existing law in order to deal with the case. Thus his decision would extend the existing law and would become a precedent for other courts to follow. Such decisions are called *judge-made laws*, *precedents of case-law*. The judge, however, does not make law in the same manner as a legislature does, which is competent to make a new law altogether. The judge is necessarily guided by the existing laws, which he interprets or extends to similar, though not identical, cases. The decisions of the judges are considered to be equivalent to the legislative Acts, because the judicial power is included in the sovereignty of the State.

4. Scientific Commentaries.

The commentaries of the reputed jurists and great writers on law also become a source of laws. A legal commentator compares, discusses and comments upon the laws and finds their principles. His arguments are not binding on the judges. But they are guided by them in their decisions, if he has won recognition and reputation as a great commentator. The greater the recognition and reputation the stronger his authority would be. Thus the scientific commentaries of well-known jurists become another source of laws. For instance, in England the commentaries of Coke, Hale and Blackstone are such sources for English law. Among the Muslims, *Faqihs* are such sources. Hindu Law is derived from the *Mitakshara* and the *Dayabhaga*.

5. Equity.

The term 'equity' means justice or fairness. In law, it means the power of a judge to decide a case according to his sense of justice or fairness. Ordinarily, a judge administers a law or dispenses legal justice, that is, he decides cases according to the provisions of the law. But there are three occasions when a judge has to decide a case not according to law but according his sense of justice or equity. They are, firstly, when a case is of such a nature that no law actually exists about it; secondly, when the existing law is iniquitous or apparently unjust, and therefore to apply it would cause injustice; and thirdly, when the social conditions have so changed that to apply an old law would cause injustice. They are called equity cases. In such cases, the judge will be guided by his sense of justice or equity and not by the provisions of the existing law. In England, there are special equity courts, but in Pakistan the judges of the High Courts and the Supreme Court act as equity judges. Equity is also a kind of judge-made law, but is different from it in one fundamental sense. In case-law, the judge is guided by the existing law; he merely interprets it. In equity, he is not guided by the existing law, but by his common-sense or sense of justice.

"Equity", says Maine, "is an informal method of making new law or altering old law, depending on intrinsic fairness or equality of treatment". Here the judge is guided by what the old writers called the law of nature or the law of nations, that is, his reason and sense of justice.

6. Legislation.

Legislation is the most modern, the most prolific and the most important source of laws now-a-days. Custom, religion and other earlier sources of law are unable to cope with the fast changing and complex conditions, needs and relations of the modern life and society. Hence the State, i.e. the legal sovereign has itself assumed the duty of making new laws, or amending or repealing the old ones. In democratic and representative governments, this function is performed by the legislature or the law-making organ of the government. The number of laws made by it is now so great that they form the bulk of the code of laws of a modern country. Even customs and religious laws are incorporated into the legislative enactments or laws. The laws made by the legislature are called *statutes*.

Need for legislation:

During the past ages, laws were mostly customs of the people or injunctions of the religion, which were upheld by the State (kingdom or empire, etc.). They were regarded as eternal, immutable and unchangeable even by the State, which rarely changed or interfered with them. But this attitude towards the laws began to change with the dawn of the modern age. New conditions, new needs, aspirations and expectations of the vocal or influential elements, groups and classes in the modern State demand the old or existing laws to be changed in one form or the other, either by amending or by repealing them altogether, so as to better satisfy their interests or general welfare. At first, this task was performed by the head of the State, whether a king, emperor or the like. But with increasing demand of the powerful or influential groups or classes in the State for new laws or amendments of the old ones, the legislative organ of the State assumed this responsibility without or after political and constitutional struggles. This development first took place in England, where the legislative organ, called Parliament, was already working as such at the end of the seventeenth century, especially after the Glorious Revolution of 1688. Later on, almost all the countries of the world have adopted the method of making or amending the laws by their legislative organs, variously called parliament, congress, national assembly, etc.

But law is really not made by the government. The need for legislation arises among the people, which the government, or its legislative organ, embodies and promulgates in the form of a law, statute, ordinance, or the like. Harold Lasswell writes, "Going beyond organs of government, "Law" is made informally in the shifting expectations current in the market place, the Daily routines of family life, and in every institutional activity, within the social process. It is, in fact, impossible for any participant in society to resign from the law-making process without departing this life. While there is breath there *is legislation,* since expectations regarding authority cannot be escaped."[41]

Kinds of Law

Laws are classified in various ways, because writers have adopted different principles of classification, such as, the content or source or object of laws. We will here enumerate all kinds of laws without adopting any specific principle of classification. They are as follows:

National Law.

All the political or positive laws made by the State are called national laws. They are also called *municipal laws.* They are the result of the sovereignty of the State and are enforced within its jurisdiction or national boundaries. All kinds of laws, except international law, are included in the national laws. It is further divided into constitutional law and ordinary law.

Constitutional Law.

The body of laws which determines and regulates the powers and functions of the various organs or departments of the State, the relations between the governor and the governed and their rights is called the Constitutional Law. It may be written or unwritten. It may grow by itself, as in England, or it may be specially framed and adopted by a constitution-making assembly, in which case it is called the constitution, as in Pakistan, India and other countries. Constitutional law is a public law, but every public law is not a constitutional law.

Ordinary Law.

All other national laws which are not constitutional laws are included in the Ordinary Law. There is an important distinction between the two. Constitutional law organises the structure of the State, while the ordinary law is-made by the State. "The State is both the child and the parent of law" .It is the child of the constitutional law and the parent of the ordinary law. Ordinary law defines and regulates the relations between private citizens or between a citizen and a public body. Courts recognise only the ordinary law and enforce it in their decisions. It is further divided into Public and Private Laws.

Public Law.

It includes all the laws which regulate the relation between the State or its departments and the citizens. It protects the rights of the citizens against the State. Some jurists include constitutional law also in public law. It is subdivided into administrative and general laws.

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[41] Cf. Harold D Lasswell. The Future of Political Science, pp. 199-200 London. 1964. (Italics by the author)

Administrative Laws.

In some States, like France, there are special laws and courts to try the offences of the State officials which they have committed in the discharge of their official duties. The laws which regulate the relations of the government officials and employees to private citizens are called Administrative Law or *Droit Administratif*. This law is administered by special courts called the administrative courts. In U.K., Pakistan and British Dominions the Rule of Law prevails.

General Law.

It determines the relations of private citizens to the State. It is further divided into Criminal Law and Criminal Procedure.

Private Law.

It regulates the relations between private citizens. It defines their rights and duties. The State creates this law and guarantees life, property and honour of its citizens. Private law consists of the Civil Law and its various branches, like the law of inheritance, transfer of property, of contract, torts, civil procedure, etc.

Substantive and Procedural Law.

Laws can also be classified according to their contents or rights. Laws which create, define and describe rights are called Substantive Laws. Laws which provide a method of protecting rights are called Procedural or Adjective Laws. So, the Criminal and Civil Laws are substantive laws, while the Criminal and Civil Procedure Codes are procedural laws.

Criminal Law and Procedure.

The State maintains peace and order as its primary duty and function. Any attack on the life, liberty and property of any citizen or person is regarded by the State as an attack on itself, because it is an offence against peace and order it maintains. Such an attack or violation of rights of the citizens is called an offence or crime against the State. The laws which prohibit such violations of peace and order and punish the crimes and offences constitute the Criminal Law. The method by which the State brings the offenders to book is called the criminal procedure. The idea of the criminal law is a modern one. In earlier ages, crimes, such as murder, etc., were regarded as private acts to be avenged by the injured party and could be settled by money payments. But now the crimes are regarded as offences against public peace and order and are punished by the State, i.e., by the judges. Formerly, the State was a third party in criminal cases, now the injured party is a third party. That is why such cases are described as "The State vs. So-and-so" or "Crown vs. So-and-so".

Civil Law and Procedure.

Civil law describes and protects the civil rights, e.g. regarding property, debts, inheritance, etc. Civil procedure lays down the method or procedures by which civil rights can be protected by the State, which stands as an umpire in the disputes between private citizens.

Laws can also be classified on the basis of the source or authority which has made them: such as statute, law, ordinance, etc.

Statute Law.

The ordinary law of land enacted by its legislature is called a statute or statutory law. Statute law includes both civil and criminal laws, public and private laws, constitutional and administrative laws. Statutes are written in a Statute Book. The British Parliament or the legislature in Pakistan passes many statutes every year.

Ordinance.

Temporary injunctions issued by the executive for dealing with some emergency are known as Ordinances. In Britain the executive also issues another kind of laws called the Orders-in-Councils. According to the strict democratic theory, the executive should not make laws, because it endangers liberty of the individual. But the ordinances are justified on the ground of an emergency during which the legislature may not be sitting, and also on ground of its temporary duration.

Common Law.

It is derived from the customs which have been adopted by the courts as the laws of the land and enforced like the statutes. In England, the Common Law is an important part of the English Law.

International Law.

It determines the relations and conduct of the States in their dealings and intercourse with one another. Strictly speaking, it is not a law, because it is not made by a sovereign authority. It consists of rules and conventions of international relations.

GREAT SYSTEMS OF LAW

There are many legal systems in the world today, such as the Roman Law, the British Law, the Islamic Law, the Hindu Law, etc. Each of these systems is a product of a long and interesting historical evolution. They usually began in the customs prevalent among the tribes who later became nations and peoples, by coalescing with each other owing to conquest or religion. Later jurists, judges and commentators sifted out a definite body or code of laws from the earlier customs or religious teachings and precepts. Thus, these legal systems had evolved in the past, when there were no legislatures or law-making assemblies. They have deeply influenced and still influence the legal codes and laws in many countries of the world.

I. European Legal Systems.

1. Roman Law: *Its evolution:*

(i) ***Roman Period.*** Roman Law is a Private Law. It originated in ancient Rome from the famous Twelve Tables. They were one of the earliest written laws based on the customs prevalent among the people of the city-State of Rome. They were published in 451 B.C., and became the corner-stone of the whole structure of the Roman Law. They were interpreted and developed by the judicial officers called the *Praetors.* When the city-State of Rome expanded into a vast Empire, and the foreigners settled in the city, the idea of the 'law of nations', called *Jus Gentium,* arose. It was that part of the private law of Rome which was adapted from the private laws of other nations. The Jus Gentium gave the idea of the Law of Nature, or Jus Naturale, which played a great part in the growth of political philosophy and philosophical jurisprudence. In the meanwhile, Roman Law was further developed by the praetors, the jurist consuls, private jurists and the imperial edicts and decrees. Lastly, the Roman laws were codified by the Emperor Theodosius in the 4th century A.D. and by Emperor Justinian in the 6th century A.D., called Code Justinian. These codes made "wide and scientific provision for the establishment, recognition, and enforcement of individual rights and contract duties."

(ii) ***Teutonic Period.*** In 6th century A.D., the old Roman Empire fell into pieces before the Teutonic or Germanic invaders. They settled in various parts of Europe and carved out new kingdoms and countries, now known as Spain, France, Italy, England, Austria, etc. A period of confusion and then of fusion of laws began. The new-Teutonic rulers allowed their Roman subjects to follow the old Roman Law as their personal law, while the Teutonic tribes followed their old Teutonic law. This caused confusion at first. The Teutonic law was tribal and was based on tribal customs and traditions. In course of time, however, the two kinds of laws fused in such a way that the principles and methods of the Roman law became predominant. This process was aided by the Christian Church, the Latin language and by European feudalism which transformed the law from personal to territorial basis. At the same time the revival of the study of Roman Law and its great Codes, created the modern Roman Law, which became the most popular and most influential system of law in modern Europe.

(iii) ***Modern Period.*** In modern times, Roman Law has influenced the Private Laws of several European countries. The Code Napoleon (1904), the German Code and the Swiss Code are its best examples. They have been adapted or have influenced the private law codes of several other countries and colonies of France. In recent times, the Swiss Code has become the basis of the civil and criminal laws of modern Turkey, which has abandoned the Sharia *Law* of Islam.

II. British Common Law.

The British system of laws has followed a different and independent course of development, and was only indirectly influenced by the Roman Law. The English are an insular people, arrogantly nationalistic in spirit from the very beginning of their history. Their judges and courts have always decided the cases on the basis of the customs prevalent in different parts of the country. Each new decision became a precedent for the settlement of similar cases in the future on the principle of *stare decisis (old decision)*. Thus the English law, called the Common Law, has grown from precedent to precedent as case-law. The British system was influenced by the Roman Law through equity, which means remedial justice. As Common Law was in many instances a cause of injustice or afforded no relief for an injury, the suitors appealed to the king directly as "the fountain of justice". The kings referred these cases to the Lord Chancellors, who decided them on the principles of Roman Law, in which they were usually trained. Today, equity is used primarily to compel performance of a specific deed by means of *writs* or *injunctions*. In modern times, both Common Law and Equity are outgrown by the Parliamentary statutes, and even superseded by them. The British legal system has become the basis of the American law, and has influenced the Muslim and Hindu Laws of Indo-Pakistan sub-continent during the days of British domination. It has also been adopted by the white dominions of British Commonwealth, e.g., Australia, Canada, etc.

Hindu Law is another legal system. It is derived from Hindu Shastras, and is regarded by the Hindus as of divine inspiration. Its earliest code was compiled by Manu. It was later developed by Brahman commentators, which gave rise to two schools of Hindu jurisprudence, the Mitakshara -and the Dayabhaga. The advent of the British rule in India brought about many changes and adoptions in the ancient Hindu Law, which the British rulers declared as the personal law of their Hindu subjects of the Indo-Pakistan Sub-continent. At present, the Government of Bharat is actively engaged in the modernisation of Hindu Law. But it is also not a law in the strict sense. No sovereign legislator enacted it. It also contains much that is religious in nature.

Conclusion.

We have reviewed above the evolution of three great legal systems of the world. They are mainly private laws, because the idea of constitutional, international and other kinds of public laws was either non-existent or dim in ancient times and in the Middle Ages, when these systems arose and flourished. Besides them, there are several other systems in other parts of the globe, which have produced great differences between the civic and political life of the countries and nations of today. It would, indeed be a great day in the history of the world when the good points of the various legal systems might be unified into a single world code of laws, common for the whole mankind, based upon principles of reason, common-sense and justice. Nothing would unite the whole world into a Brotherhood of Mankind more than the promulgation of single legal code for the whole humanity. We shall now turn to one such attempt in the past to evolve a code of universal law. It is called the Law of Nature.

LAW OF NATURE

The concept of "Law of Nature" has been the subject of contention and controversy among the jurists, philosophers and political thinkers from very ancient times. It will be useful, therefore, to trace briefly its evolution and meanings.

Its Origin and Evolution.

(Greek period; To the primitive peoples, all law was divine law. But in ancient Greece, for the first time in human history, it was thought that there were two kinds of laws, the laws of nature and the man-made laws, called conventions. Nature remains the same; it has uniformity. The uniformity of external nature is the law of Nature. Human conventions, customs, and institutions vary from time to time and country to country. But amidst all the variations and diversity of human laws and institutions, there are certain elements which are common and uniform. They are the natural laws. They are fundamental and basic features in human life. They embody natural justice, as distinguished from legal justice. This distinction was made by Plato and Aristotle. Other Greek philosophers, e.g. the Stoics, interpreted natural law as the universal law of reason. According to them, every man is endowed by nature with reason, which can help him in discovering the natural law or rule of reason. Reason would enable him to distinguish right from wrong and to live the natural life of simplicity. When Greece was conquered by Rome, the Stoic philosophy influenced the Roman lawyers and jurists, and thus the idea of the Law of Nature passed into the Roman Law and jurisprudence.

Roman period: When Rome became a vast empire, thousands of foreigners, the *peregrini* as they were called, came to Rome for trade and commerce. The Roman judges decided their disputes according to the Law of Nations, called *jus Gentium*. When the Stoic idea of the Law of Nature was introduced in the Roman Law: the *Jus Gentium* was declared to be based on the Law of Nature. *So Jus Gentium* and *Jus Naturale* were considered to be one and the same, because they were based on natural reason found in ail the nations of the world. This idea was expressed in the Code of Justinian in these words: "All nations are governed partly by their own particular laws, called the Civil Law, and partly by those laws which are common to all mankind which natural reason appoints for all mankind and is called the Law of Nations, because all nations use it". *The Jus Naturole* was based on good faith, common-sense, normal family relations and affections, normal commercial relations, etc. In short, it is a principle of fair dealing among men.

Middle Ages. In the Middle Ages in Europe, the Law of Nature was interpreted by the Christian churchmen and scholars as the Law of God representing divine justice. But it was also considered to be a moral principle of reason which distinguished between good and evil and taught men to do well and avoid evil.

The Social Contract Theory. The heyday of the Natural Law was during the early modern period, from 16th to 18th century. Natural law and natural rights became the central themes of the social contract theorists, like that of Hobbes, Locke and Rousseau. They asserted that in the 'State of nature' men were governed by the Law of Nature and possessed natural rights. Rousseau made it an ideal of equality and liberty which could be achieved by men if they overthrow the unequal and unjust social customs and artificial manners of civilisation. His cry was *"back to nature"* and its simplicity.

During the 19th century, the influence of the Law of Nature gradually declined and vanished. It was declared to be a mere fiction.

Its various meanings and principles.

The Law of Nature is understood in various meanings: (i) it is regarded as a principle of uniformity in nature; (ii) the rule of reason; (iii) the Law of God; (iv) an ideal law, as contrasted with the imperfect human laws. It is a law as it ought to be, with which the particular laws ought to conform as much as possible; (v) it is a moral law, based on justice and reason, which necessarily teaches what is the right; (vi) it is an eternal law, as contrasted to the ever-changing particular laws of society or State, and existed in the State of nature. It is an unwritten, eternal law, rooted in human nature, and is therefore "superior in obligation to any other law" made by human law givers.

From these meanings were derived several principles of Natural Law; viz., (i) that justice is part of human nature and is not based on human desire; (ii) being a law of reason, nothing unreasonable or arbitrary could be just; (iii) it is universal and not particular or local in time or place; and (iv) that men are by nature equal and free. Such were the conclusions drawn from the conception of the Law of Nature by the jurists, the social contract theorists and the philosophers for more than two thousand years. They inspired many theories and philosophies of law, society and State e.g., the social contract theory, idealism, etc.

Its Merits.

In spite of these defects and dangers, the concept of the Law of Nature has some merits. It is a protest against the rigidity of existing laws. It offers an ideal of justice and reason. As Kant says, it is a standard of justice. It proclaims that there are certain principles of human society and State which are eternally valid and necessary. They cannot therefore be disregarded by the powers that be. For physical sciences, this concept has great merit. It refers to the sequence of cause and effect in natural phenomena from which are derived all the physical laws. There is uniformity in Nature, provided Nature, is understood in the sense of a datum or a fact of external objectivity. Lastly, this concept has influenced the growth of political, philosophical and juristic thought and institution in the past. But, in conclusion, we reject the idea of Law of Nature because it has no existence. It is misleading, false and meaningless. It creates more problems than it solves

Criticism.

The concept of the Law of Nature is now rejected on several grounds. Firstly, it is historically untrue. It never existed in any age of human history. It has really been a figment of the imagination of philosophers and jurists. It never guided the conduct of human beings in any age. Secondly, the analytical jurists reject it because it has no sanction or force behind it. It was never been enforced by a sovereign. Thirdly, it is a mere ideal of morality and justice, it only tells us what a law ought to be, but not what it actually is. As political law deals with external actions and not with inner thoughts, the Law of Nature cannot guide legislation. Fourthly, it is a dangerous idea. Human nature is inherently imperfect and therefore its social institutions and political laws will also be imperfect. But the idea of Natural law as something ideally perfect, makes the people to disobey the actual laws of the State. Thus it undermines the respect for law and for political authority. It engenders a spirit of revolt and a readiness to break the existing laws and overthrow existing authority. This was what actually happened under the influence of the teachings of Rousseau and led to the French Revolution of 1789. Hence, the Law of Nature is considered as a mere fiction, an exploded myth.

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LAW AND MORALITY

The question of the relation between law and morality has always engaged the attention of the political and moral thinkers since ancient times. Aristotle posed it in an interesting manner when he asked whether a good man was a good citizen or not. It really goes deeper still, as Aristotle was fully aware, because it is fundamentally a question of the relation between Ethics and Politics. It is, indeed, an important question, because it is sometimes asserted, especially in backward societies, that morality and law are identical and that every immoral act should be legally punished or forbidden. In other words, people can be made morally good by law and legal punishment. In order to understand such questions, we must find out the relation and distinction between morality and law. Morality is understood in two senses: positive morality and ideal morality.

Positive or social morality means the moral opinions, rules and sentiments actually prevalent among a people or in a society. They are more accurately called *morals*. Ideal morality means the ethical principles and goals of moral conduct. By morality here we mean positive morality or simply morals. Obviously, law cannot be compared with ideal morality because it is not a social fact. Ideal morality exists in books and not in deeds and acts as morals do.

Difference.

Law and Morality differ in their content, sanction, universality and definiteness.

Content.

The province of morality, if it is to remain so, consists in the freedom of the individual to think and act as he himself judges to be right or good. Law deals only with the external acts and behaviour of the individual. Even among the external acts, it deals with only those which can be regulated by the eternal authority. There are many acts and several kinds of behaviour which are morally bad but cannot be legally punished."[42] Meanness, ingratitude, jealousy and lying are morally bad, but cannot be legally punished, unless they do not lead to such acts which are legally forbidden. A man may be a great liar, but law will punish him only when he tells a lie in a law suit before the court, or publishes a lie as a libel in a newspaper. Anger is morally bad. But law will punish a hot-tempered person only when he actually injures the life or limb of another person with whom he is angry.

Sanction.

Moral rules are enforced by the conscience of the individual or by the opinion of the people. Law, on the other hand, is enforced by the coercive authority of the State. Law is a matter of force while morality is a matter of conscience. Laws of the State are in the nature of 'must', while moral laws are in the form of 'ought'. Moreover, law is based on expediency. It punishes certain actions not because they are immoral but because it is expedient to punish them. Such acts are morally indifferent. They are neither good nor bad, but are punished by law because it is socially expedient or necessary to do so. For example, it is morally immaterial whether we drive a vehicle on the left or right side of the road.

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[42] **Law is one thing and morality is another. The one is concerned with the external rules which direct men's actions in an ordered community: the other with the rules and the ideals which lie behind order". Ernst Barker. *Greek Political Theory*, p. 206.**

But it is illegal to drive on the right side, if law has laid down the "Keep left" rule. Social convenience and not moral wrong requires that this rule must be observed by the citizens. Furthermore, a law remains a law, whether we consider it immoral or not. The law breaker is punished, even if he pleads that he violated it because he regards it immoral. Here is a clash between legal command and moral conscience, which do not coincide in this case. In such cases, most people obey the law and disregard morality, but a few may not and get court punishment. But such cases also show that law and morality cannot remain separate and divergent for long.

Universality.

Law is universal in character. It is applied to all persons. Morality is individual in nature and differs from person to person. What I regard as morally good may not be so in the opinion of another person. That is the reason why moral conduct and opinion differ from individual to individual. The causes of this difference are customs, social environment, education, experience and training. But law cannot be differently applied. All must obey it, no matter what their individual differences are. Really, morality develops by difference or indifference of individual opinion, but law can exist only by universality and uniformity of observance.

Definiteness.

As law is universal, it is also definite, precise and certain. Morality is to some extent vague, uncertain and indefinite, because it depends on individual conscience, taste, training, etc. That is also the reason why morality changes.

What is moral today may not be considered so tomorrow; or what is moral in the eyes of some persons, may not be so in the eyes of others. For instance, some persons regard monogamy morally good, but others condemn it. But if a law is passed enjoining monogamous marriages in a country, all citizens will have to obey it even those who condemned it. Law is definite because it is compulsive.

Affinity between Law and Morality.

In spite of the differences, law and morality are also closely related and interdependent. So close is this relation that we can know the morality of a people by studying their legal code and *vice versa*. Politics cannot really be divorced from morality, because the State is founded on the minds of its citizens, who are moral agents. A good man will be a good citizen only in a good State, as Aristotle pointed out. Man can develop his moral self only in the good State with good laws. At the same time, the ideas of right and wrong, which represent the ethical standards of the people, must also affect the laws of the State. Thus law and morality are interrelated. Their interrelation is both negative and positive. Law affects the positive morality of people, and morality, in its turn, affects their code of laws. Law reflects the moral opinion and belief of a people. Law tries to conform to wide-spread moral ideas of a community. For instance, child marriage was common in British India. But the moral opinion of the social reformers made the State to make a law forbidding child marriages. Untouchability prevailed in this subcontinent. But now the Constitutions of Pakistan and India have forbidden it, because the moral conscience of the peoples of these countries has revolted against this social injustice. The laws, in their turn, mould the moral conscience of the people. Thus legal reform leads to moral progress. Nevertheless, if laws move far in advance of the moral standards of the people, they would not be observed. For instance, the American Government prohibited the selling of wine in 1931. But the American people have no moral dislike for wine and the prohibition law failed in face of their refusal to respect this law. Moreover, if a law has lost its value due to the change in moral value, it will become a dead letter. Only such laws are respected by the people and are readily obeyed by them which have the support of their moral sentiments. This is one of the moral limitations on the law-making power of the State.

e.g.

Law and Public Opinion.

In the modern democratic State, law and public opinion are closely related to political phenomena. Historically speaking, in the past, law was not influenced by public opinion, for the simple reason that there was no public and therefore no opinion. In modern times, public opinion has become a great force in the making and changing of law. In the past, laws were imposed from above, that is, by kings, but in the present times, they evolve from below, that is, from the people. As we said above, legislature is at present the most important source of law. The legislature or the law making organ of the State is the storm-centre of public opinion, where it is transformed into legislative acts or laws. In fact, public opinion, as expressed through elections, the press and the majority party or parties in the legislature and government, is the most important force in the legislative process.

But the existing body of laws, in its turn, also influences public opinion. Law is a technique of social control. It, therefore, prevents certain kinds of opinions from being expressed, by condemning them as subversive or otherwise declaring them illegal or by channelling the expression of other kinds of opinion into certain legally recognised modes and manners. This is truer in a democracy than in a dictatorship, where public opinion is moulded by outright repression and prohibition rather than by channelling it into desired ways and directions. Anyhow, public opinion is greatly determined by the existing laws. In a truly democratic State, the relationship between law and public opinion always remains a two-way traffic and does not become one-way street, as it is under dictatorship.

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IS LAW ABOVE THE STATE

Two Views:

(i) Positivist View. There are two views on this question. According to the Positivist jurists, the law is made and enforced by the State, and therefore cannot be above it. Law owes its origin to the State and exists only so long as the State can enforce it. The State is both the source and the guardian of the law. Enforcement by the government is its distinctive feature. The State possesses the monopoly of coercive power and only those rules can be called laws which are sanctioned by its coercive power. Hence law can not be above the State.

(ii) Pluralist View. On the other hand, the Pluralists, like Duguit, Krabbe and Laski, hold that the law is above the State. Duguit contends that the sanction behind the law is not the coercive power of the State but the psychological awareness among normal people that they must observe certain rules if they are to preserve and promote the common benefits derived from the life in society. Krabbe declares that law is obeyed because it embodies the sense of right of the majority of the people. Laski also holds that law is above the State. According to him, the real source of law is not the command of the State but the consenting mind of the individual. "Law", he says, "is not merely a command, it is also an appeal. It is a search for the embodiment of my experience in the rule it imposes". This is possible only when I am consulted before the law is made, because I alone can inform what my experience is. In this way law is successfully related to the consenting minds of the individuals. This makes the State inferior to law. Thus, the Pluralists conclude, the law is above the State and that the State itself must obey it.

Conclusion.

In spite of the useful light which the Pluralists have thrown on the nature of law and State, the fact remains that the State is above the law. No doubt, it must obey the law itself. But it is superior to law because it emanates from it. If there is no coercive power, it will cease to exist. It is, however, good that it is moulded and influenced by public opinion, by the sense of social justice and is based on the consent of the individuals. But, in the final analysis, law is based on the authority and force of the State. State is, therefore, above the law.

INTERNATIONAN LAW

What is International Law:

The States, like the individuals, exist together in the family of nations or States of the world. Those laws and rules which regulate the relations and dealings among States and nations of the world are called international laws. Without them there would be wars, clashes and confusion in the world.

International law has been variously defined by different writers. Prof. **Brierly**, defines international law as "the body of rules which civilised States observe in their dealings with each other, these rules being enforced by each particular State according to its own moral standard or convenience". Prof. Fenwick says: "International law may be defined in the broad terms as the body of general principles and specific rules which are binding upon the members of the international community in their mutual relations". According to Hughes, International law is the body of principles and rules which civilised States consider as binding upon them in their mutual relations. It rests upon the consent of sovereign States. "International law is the aggregate of the rules determining and giving effect to the rights and duties of independent States" According to Prof. Holland, International law "differs from ordinary law in being unsupported by the authority of a State. It differs from ordinary morality in being a rule for States and not for individuals. The Law of Nations is but private law 'writ large'. It is the application to political societies of those legal ideas which were originally applied to the relations of individuals.

We may define International law as a general body of rules and principles which the States observe in their mutual relations and dealings and in the conduct of international affairs.

Is International Law a law?

There is a controversy among jurists and political writers whether international law can be regarded as a law in the real sense of the term or not. Broadly speaking, there are two schools of thought: the analytical or positivist school,-which denies that it is a law at all, and the historical school which declares it to be a law. We shall describe here arguments of both schools of thought:

I. International Law is not law proper.

Analytical or Austinian jurists define law as a command of the sovereign or the order of the State. International law is a rule which a State is expected to observe in its dealings with other States. But every State is independent and sovereign. It is not bound to observe the rules and restraints of the international law, if it is to remain sovereign and independent. Hence the international rules and restraints are not legally binding on the sovereign States. They are not laws but mere rules of convenience or moral principles. The Analytical jurists advance the following arguments against the view that International law is a law:

(i) ***There is no determinate authority to make international law.*** There is no world-body to pass international laws, if there is one, the States would cease to exist as sovereign bodies. In that case there would be a World State with its own national or municipal law's as the international laws would then be justly called.

(ii) ***There is no legal sanction behind international law.*** International laws are no doubt observed by sovereign States, but only of their own convenience, interests and advantages, and not because they-are binding on them.

(iii) ***There is no court to interpret international law.*** Sometimes the States do refer their disputes to international tribunals for decision. Moreover it is not binding upon them to do so. It is also not obligatory for them to accept the decisions of such courts nor do such courts have any authority to enforce their decision.

(vi) ***International law is only international courtesy.*** The critics of international law declare that it is not a law in the real sense, but that it is half law and half morality. It stands midway between law and morality. Its rules are self-imposed by the State. If a State so likes, it can act against the international law and break it with impunity. It observes them only out of courtesy or-good-will towards the rest of the world.

In short, the critics of the International Law declare that it lacks the whole paraphernalia required for a law of the State. It has no international lawmaker or legislature which has passed it or commanded it. It has no courts to interpret it; no sanction or force to compel its violators to obey it; no police to execute it; no army to protect it. The British Lord Chancellor, Lord Salisbury, addressing the House of Lords said, "International law has not any existence in the sense in which the term law is usually understood. It depends generally on the prejudices of the writers of the textbooks. It can be enforced by no tribunal, and therefore, to apply to it the phrase 'law' is, to some extent, misleading". It is, therefore, regarded as the vanishing point of-jurisprudence.

2. International law is law proper.

In present times, however, it is increasingly asserted by writers and jurists that international law has definitely the character of law. They disagree with the Austinian jurists on the meanings of such terms as 'law", 'sanction', 'sovereignty', etc. They advance the following arguments in support of their view that it is a law proper:

(i) ***The concept of absolute sovereignty of the State is an absurd and fallacious fiction.*** No State is absolutely sovereign in its internal and external relations. The sovereignty of the State does not mean that the State cannot mutually agree to follow certain rules of conduct for common safety and well-being. Otherwise, there would be constant international anarchy and conflicts. In modern times it is impossible for a State to live in isolation. Instead of that, they are impelled to come into contact with one another for reasons of trade and industry, science and arts, peace and war. Owing to these reasons, the sovereign States impose restraints and restrictions upon themselves for their own well-being, just as the individuals living in the State impose on themselves the restraints of the laws.

(ii) ***Law is a growth and not a command.*** It is further argued that law is not the command of a determinate human superior. It has various other sources, such as custom, religion, opinions of jurists, etc. Many of the municipal or national laws have originated from these sources. If it is true of the municipal laws, it is still more true of international law, which cannot be denied as a law proper simply because it is not laid down as a command by a determinate international authority.

(iii) ***International law has sanction behind it, like that of the municipal law.*** The laws of the State are obeyed because there is a sanction behind them, i.e., punishment. But the real sanction is not fear of the force of the State but public opinion and habit. International law has also a similar sanction, viz., the 'world public opinion. It is this world opinion that compels a State to obey and respect international law. For instance, it was the world opinion which compelled the English and French aggressors to withdraw from Egyptian soil when they attacked Egypt over Suez Issue in 1956.

(iv) ***To say that international law is not law because it is sometimes violated, is not a sound argument.*** It is a matter of everyday observation that the municipal laws are often violated. Many persons commit murders, thefts and countless other crimes. Yet the laws of the State do not cease to be laws for this reason. Why should it then be asserted that international laws be first absolutely respected by the States if they are to become laws at all? Like the municipal laws,' international laws are respected by many States and violated by a few. But still the rules and principal of the international laws are respected by all the States in one form or another.

(v) ***To say that there are no regular courts to decide international disputes and to interpret international law is also wrong.*** The International Court of Justice, set up by the U.N.O. at the Hague, and the Prize Courts in every country apply and interpret the rules of international law. The purposes of the United Nations Charter include the adjustment or settlement of international disputes "in conformity with the principles of justice and international law".

(vi) ***The principles of International Law have been built up by legal reasoning and are applied in a legal manner.*** Many countries have adopted many rules of international law in their municipal laws. Piracy is prohibited by international law, which now no State can permit by its laws.

(vii) ***International law is distinct from international morality as municipal law is distinct from morality.*** When Statesmen and leaders of the States deal with international affairs, they refer to the principles of the international law, to the writings of international jurists, but not to the rules of international morality.

Conclusion.

In conclusion, it may be said that the principles of international law are fundamentally the same as those of the municipal law. The former, like the latter, grows and develops "in response to the spirit of each age and changing conditions of society". Just as there can be no peace and order in a State without the national laws, so there can be no order and peace in the world without the international law. That is the reason why it exists: "order is precarious and hollow until international law is assured". It is being realised that modern civilization will become impossible without the rules of international law. Indeed, the main problem facing humanity is to perfect these rules in such a way that the points of difference may be lessened and human life becomes safe and richer. Nevertheless, international law is not law in the sense of the ordinary law. Frederick Pollock has explained the nature of international law aptly thus: "International law is a body of customs and observances which are on the way to becoming law". It is law in the making.

Sources of International Law.

The following are the sources of International Law:

(1) **Roman Law.** Roman Law is the ancient code of laws, developed during one thousands years of the Roman Empire 500 B.C to 600 A.D). It includes the *Jus Feciale* and *the Jus Gentium,* from which the modern international law is derived or deduced. The Roman Law was the first body of laws which laid down certain rules of international law, as for example, that the dealings with the citizens of different nations should be based upon justice, equity and common sense.

(2) **Works of Eminent Writers.** The writings of historians, biographers and, above all, of the jurists are important sources of International Law. "These writers, by showing what rules nations actually do observe, by interpreting general opinion on given questions, and by giving definitions and modifications of previous rules based on general consent, provide a source of International Law". Some of these writers are Hugo Grotius, the founder of modern International Law, Kent, Lawrence, Hall, etc. The opinions of Statesmen and diplomats also become a source of International Law.

(3) **Treaties, Alliances and Conventions** are other important sources of International Law. They are concluded for political, commercial and such other purposes. Some of the important treaties are Westphalia (1648), Utrecht (1713), Paris (1763), the Geneva Convention (1864) and the Brussels Conference (1890), the U.N.O. Charter (1945).

(4) **Municipal Law.** The municipal or national law of every State is also a source of International Law, for it deals with many questions and matters of international relations and regulations, such as citizenship, naturalisation, neutrality, tariffs, extradition, diplomatic and consular services, etc.

(5) **Decisions in International cases.** Sometimes the States refer their disputes to international courts and tribunals of arbitration or to conferences for adjudication. Sometimes national High Courts also deal with international cases. The decisions of such courts and conferences also become a source of International Law, for they lay down important rules and principles of international law and relations. For example, the method of adjudication has been regularised by the establishment of the Court of International Justice at the Hague, which is a part of the U.N.O.

Chapter 19

Islamic Law or the Shariah

In our discussion on the Islamic concepts of the State and sovereignty in the previous chapters, we came to the conclusion that the Islamic State and its sovereignty are necessarily within the limits of the Divine Law of Islam, called *Shariah* (in Arabic or *Shariat* in Urdu). Islam is a complete code of life: it covers all aspects of human life and society. Hence Shariah is a comprehensive and complete scheme of life. As an author puts it, "Islam is a religion of laws so comprehensive that it has rules for nearly all human activity, personal and interpersonal, private and-public. It sets rules for government, for fighting wars, and settling disputes. It decrees who are not to marry and what foods not to eat. In other words, there is no area of life which is not covered by the Divine Law or Shariah." Islam calls on the Muslims to enter into the House of Allah wholly, completely and without any reservations, mental or personal. Such an all-embracing *deen* or faith is for all occasions and for all time. It can answer to new questions and problems that may arise in the society in course of its evolution and development. This is, in short, the essence of the Divine Law or *Shariah*. The interpretative and investigative science of the Shariah is called *fiqah* (or fiqh in Arabic). It is the scientific method of solving new questions and problems of daily activities of human life on the basis of and within the limits of the Divine Law.

Characteristics of the Shariah:

The Islamic Law or Shariah possesses a number of special features or characteristics. They are as follows:

1. Perfection and Comprehensiveness:

The first characteristic of the Shariah is its perfection and comprehensiveness, which distinguishes it from the Western concept of law. It applies itself to all human activities. As Allah says in the Quran: "He is Allah in the heavens and in the earth. He knoweth both your secrets and your utterance, and He knoweth what ye earn". (6:3) The Shariah is an all-inclusive legislation. It is capable of meeting all changes and all challenges of the Muslim, individual and collective. It is a perfect code of life, which makes it superior to all man-made codes of law. The *Encyclopaedia Britannica*, in its 1967 edition, says: Under the Shariah "every act or omission falls under one of its five categories: what is commanded or positively forbidden by Almighty God. To the Muslims, therefore, the

Shariah includes all that a Westerner would term law—public and private, national and international—and a great deal which he would not regard as law at all, such as the details of religious ritual and the ethics of social conduct."

2. **Spiritual Loftiness:**

The Shariah embodies spiritual loftiness. This characteristic is not and cannot be found in the secular law of the West. Spiritual loftiness means that the injunctions of the Shariah always aim at the good of the whole Muslim community, and for the moral good and salvation of the individual, for they are ordained by the Divine Supreme Being. The Shariah always keeps the door open for the eternal betterment of the Muslim community.

3. **Stability and Development:**

Islamic Law combines the dual features of stability, on -the one hand, and development or change, on the other. This feature makes it at once a stable system of human relations and at the same time capable of developing under the varied and changing conditions of Muslim life and society. In other words, it is both rigid and elastic system of law. Its stability is derived from the Commandments of the Quran and Sunnah, from which it originated and its elastic features come from its interpretative principles of the *ijma, ijtihaad, qiyas,* and *istihsan* which we shall explain later on. They will make it responsive to the group requirements at various places and in different ages. In short, the Shariah provides a permanent sacred framework beyond which no Muslim can go. But at the same time it provides considerable variation within these limits. The late Dr. I.H.Qureshi, the well-known Pakistani political thinker, has expressed the immutable and the dynamic features of the Shariah as thus: "The Shar includes within its fold three main principles: two immutable and one mutable. The immutable principles are the Quran and the authentic Hadith of the Prophet; the latter according to the Muslims is not so much an enlargement as an interpretation of these principles which has been arrived at by the application of human reason to apply them to the changing needs of humanity in different conditions. It is wrong, therefore, to say that the Shar' is entirely immutable."

Basic Principles of the Shariah:

The following are the basic principles of the Shariah:

1. **Submission and Obedience to God's Will:**

Islam, as its name shows us, is the religion of submission to the Will of Allah and obedience of His commandments. The Quran expressly declares: "O ye believers! obey Allah and obey the Apostle and those in authority from among you; then if you quarrel about anything, refer it to Allah and the Apostle, if you believe in Allah and the Day of Judgment; this

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is the better part and very good in the end." (4:59). It means that in respect of obedience, the first priority goes to the commandments of Allah and next to those of the Holy Prophetﷺ. Only in the third instance are the rulers to be obeyed, provided their commands remain within the limits and commandments of Allah and the Apostle.

2. Social Ethics:

Islam is the religion of morality. It enjoins upon the Muslims, *amr b'il maruf wa'l nahi al munkir,* i.e. command to do what is good *(maruf)* and punish the wrongdoing. This is essence of Islamic social ethics. The Islamic rulers are bound to enforce this divine commandment.

3. Adl wa Ehsan:

The Shariah is based on the principles, of *Adl wa ehsan* or justice and public good. These principles have been repeatedly emphasised in the Quran and in the Hadith of the Holy Prophetﷺ. In the Quran, the principle of *Adl* or justice is represented by the *mizan* or balance, whose two scales are held equal. Thus justice in Islam means to render the rights of all persons equally and equitably. But Islam also enjoins that justice should be rendered with *ehsan* or in keeping with the good and welfare of all people. This principle is the basis of the juristic principle of *istihsan* or juristic preference. It is the Islamic principle of equity. It means that justice should be done in the manner as not to cause injustice to others.

Sources of the Islamic Law or Shariah:

Fiqah or Islamic Jurisprudence has declared several sources of the Shariah. Dr. Mustafa Ahmed Zarqa, an Egyptian authority on Islamic Law, has classified them into two kinds, namely Fundamental and Implicative. The Fundamental sources are the original sources of Islamic Law, while the implicative sources are implied in or derived from, the fundamental sources. The fundamental sources are (i) the Quran; (ii) the Sunnah of the Holy Prophetﷺ; (iii) Ijma; and (iv) Ijtihaad. The implicative sources are (i) Istislah; (ii) Istihsan; and (iii) urf.

We shall now explain each of these sources one by one.

1. The Quran:

The Quran is one of the primary sources of the Islamic Law. It contains many commandments, injunctions, prescriptions and rules for the behaviour and relations between individuals and groups. Addressing the Holy Prophetﷺ, Allah says in the Quran:

"And we have revealed the Scripture unto the only that thou may explain unto them that wherein they differ, and (as) a guidance and a mercy for a people who believe: (16:64) Muhammad Hamidullah, (the well-known Muslim scholar, writes, "The Quran seeks to guide man in all walks of life, spiritual, temporal individual and collective. It contains directions for the conduct of the head of State, as well as a simple commoner, of the rich as well as of the poor, for peace as well as for war, for spiritual culture as for commerce and material well-being." Thus we find in the Quran such injunctions:

> "These are the limits of Allah *(Hadud Allah)*, so do not go near them" (2:187) (These are the limits which no one should transgress if he is not to be punished.)
>
> "The recompense for an evil is an evil like thereof, but whoever forgives and makes reconciliation, his reward is due from Allah. Verily, He likes not the (oppressors, polytheists, and wrong-doers, etc.)." (42:40)
>
> "The good deed and the evil deed cannot be equal. Repel (the evil) with one which is better, then verily! he, between whom and you there was enmity, (will become) as though he was a close friend." (41:34, and also 33:96)

"O you who believe! retaliation is prescribed for you in the matter of the slain: the free for the free, and the slave for the slave, and the female for the female; but if remission is made to any one by (aggrieved) brother, then prosecution (for the blood money) should be made according to the usage, the payment should be made to him in a good manner, this is an allowance from your Lord and a mercy; so whoever exceeds the limits after this, he shall have painful chastisement.

And there is life for you in (the law of) retaliation, O men of understanding, this you may guard yourselves." (2:178, 179 and also 4:92)

These are a very few examples of the Quranic injunctions and prescriptions. It should, however, be noted that the Quran is not a book of law. It is a book of guidance for the mankind. It is the first source of Islamic law, but it does not contain a detailed corpus of legislation. Although some actions are strictly defined in it, which need no interpretation or translation, the Quran has, however, drawn in general large boundaries of the Islamic law within which all human actions can be confined. It offers to the Muslims a frame of reference within which they can build up the whole body of laws, in accordance with their peculiar conditions and circumstances. Its prescriptions about such matters as trade and commerce, marriage and divorce, inheritance, penal law and the like are guides for every contingency of life and society.

2. The Sunnah:

The second and equally important source of the Islamic Law is the *Sunnah* of the Holy Prophetﷺ. *Sunnah* means the path or the way of life. But in the technical language of the fiqh, it means the Sunnah of the Holy Prophetﷺ only, and in this sense it is used in the Shariah. The Sunnah consists of the sayings, deeds and such words of the Holy Prophetﷺ which were not the revelations of the Quran. The Sunnah is divided into three kinds:

(i) Al-Sunnah al-Qawliyah are the sayings, statements and utterances of the Holy Prophetﷺ. These are his traditions or *Ahadith.*

(ii) Al-Sunnah al-Failiyah are the deeds and actions of the Holy Prophetﷺ They consist of his actual performances, which are, therefore, examples for the Muslims to follow.

(iii) Al-Sunnah al-Taqririyah: These are those traditions of the Holy Prophetﷺ which were neither uttered in words nor were shown by his actions or deeds, but received his tacit approval. In other words these were the deeds which were performed in his presence and lifetime and were fully in his knowledge. The silence observed by the Holy Prophetﷺ was considered tantamount permissible, acceptable and approved.

The Sunnah deals with such matters as revelation, knowledge, pilgramage/abulation and cleanliness, prayers, funerals, taxes, trade and commerce, inheritance values and character and conduct, administration of justice, marriage and divorce, distribution of wealth, alms and sadqaat, responsibilities of the administrators, duties, and responsibilities of children towards their parents, of the orphans, widows, etc.

We may describe here a brief history of the Sunnah. The sayings and deeds of the Holy Prophetﷺ were not recorded during his lifetime. The reason was that he had forbidden his Companions to write or record them, so that they might not be mixed up with the Quranic revelations. As he said, "Do not write down my sayings. He who has quoted me in writing in other than Quran should delete what he had written. But you are free to quote me orally." It was only in the third century Hijrah that the work of compiling the Hadiths of the Holy Prophetﷺ began. Many books of Hadiths were then compiled, including the two Sahihs or authentic compilations. The first was compiled by Abu Abdullah Muhammad bin Ismael al-Bukhari (809-869), known as *Sahih Bukhari* and the other by Abdul Hussain Muslim al-Nishapuri (821-874) popularly known as *Sahih Muslim.* The work of compilation was undertaken with great care and effort. S. Mahmassani writes, "The two compilers travelled to many provinces in their search for traditions (Ahadith) and were, meticulous in their investigation and verification of the correctness of the narrators and the chain of authority. This fact earned their compilations the reputation of authenticity and reliance on their correctness." The reason why the compilers took such great care and concern to collect accurate hadiths was the fact that many false and spurious Ahadith had also got currency during the first two hundred years when they were related orally from one generation to the other. Various rules were evolved to test the accuracy and authenticity of the traditions so that to sift them from the false or fabricated hadiths. As Mahmassani writes, "They (the compilers or *muhadasseen)* established rules for the sifting and scrutiny of the traditions and arranged them according to the degree of their authenticity into *Sahih* (authentic) *hasan* (good), *gharib* (strange), etc.

Muslims believe the Sunnah to be second in importance to the Quran. Its rule is to support and supplement the ordinances and prescriptions of the Quran. Quranic injunctions *(nasus)* are prior and are not subject to any alterations, for their obedience is binding on all Muslims.

Secondary Sources:

We have so far considered the immutable and unchangeable sources of the Islamic Law. We shall now consider the more flexible sources. They are *ijma, ijtihaad, qiyas, istihsan* and *istislah*. Really, they are not sources of the Shariah, but methods of interpreting the two primary sources, Quran and Sunnah.

Ijma: Ijma means the general agreement or consensus among the Muslim community about any matter affecting the Muslims in the light of the Quran and Sunnah. It is one of the methods of the fiqh or Islamic jurisprudence. For instance, the institution of the *Khilafat* (caliphate) was the result of the consensus or ijma of the early Muslims soon after the death of the Holy Prophetﷺ. Ijma is supported by a saying of the Holy Prophet: "My *Ummat* will never be united on error". Some of the Islamic Jurists or *Fuqaha* are of the opinion that the *ijma* by the Ulema is the voice of the *Ummah.*

Ijtihaad: Literally *ijtihaad* means striving or searching. But in the technical language of *the fiqh* and *Shariah,* it means striving to interpret the *nasus* of the Quran and the Sunnah of the Holy Prophetﷺ in order to adopt them to the new conditions of the Muslim life and society, but within the precedents laid down by the earlier *Mujtahids, and Fuqaha,* especially of the four schools of fiqah. Ijtihaad is of two kinds: viz. *ijtihaad mutlaq* and *ijtihaad muqaiyyad. Ijtihaad mutlaq* is one in which interpretation of the Quran and Sunnah is independent of the opinions and judgments of the earlier jurists and their precedents. In *Ijtihaad muqaiyyad* the scope of interpretation is within the opinions of the founding *Fuqaha.* When *ijtihaad* is a personal opinion of the ***mujtahid,*** it is known as *ra'i.*

Qiyas: It is reasoning by analogy.

Istihsan: Means juristic preference i.e. application of discretion in juristic opinion, preferring one of the two possibilities for greater public good.

Istislah means a decision which will serve the public good even though such a decision is not mentioned in the Quran or Sunnah.

Urf: Urf is the common practice among the Muslim community (Ummah) as their common habit or *a'ada.* The ulema of the Arab countries have applied this method in the evolution of Islamic Law in their respective countries, e.g., in Egypt, Syria, etc.

Importance of Ijtihaad: In our above brief survey of the evolution of the Shariah, we have said it was perfected by the great Fuqaha from about the ninth to 12th centuries -A.D. It then ceased to develop further owing to the doctrine of *taqleed*. Taqleed means to follow the precedents of the great jurists of the past as .the unchallengeable legal authority. It was then declared that the "doors of the *ijtihaad* are *closed"* and therefore further interpretation of the Quran and Sunnah was not permissible. The result was that the Shariah remained static for about eight hundred years. But from the middle of the eighteenth century, the doctrine of taqleed began to be questioned first by Shah Wali Allah in the post-Mughal India and more so in Ottoman Turkey from the end of the nineteenth century and lastly in Egypt in the beginning of the twentieth century, and in other Arab lands, such as by Muhammad Abdu, Rashid Riza and others, and by Sir Syed Ahmad Khan in British India during the second half of the nineteenth century. Now it is increasingly felt that the doors of ijtihaad should be reopened. But the question is: how?

Two Schools of Mujtahideen:

There are two schools of Mujtahideen or interpreters: one of them favours ijtihaad muqaiyyad or limited ijtihaad and the other favours ijtihaad mutlaq or independent interpretation, not bound by the opinions of the earlier Mujtahideen, especially of the Middle Ages. It is the second school of ijtihaad mutlaq which asserts that the doors of ijtihaad are open and innovations in the Islamic law are possible, provided one remains with the injunctions and *ahkam* of the Quran and Sunnah. This school asserts that ijtihaad has become important in the modern times due to the needs of the present time, such as economic, social and political changes, so that the Muslim society and peoples may become a powerful force in the modern times.

Shah Wali Allah (1703-1762), who lived in the last days of the Mughal Empire in India, was the first Muslim thinker to propound a theory of cautious exercise of ijtihaad. He was deeply perturbed by the decline of the Mughal Rule and by the threat to the Indian Muslims by the rise of the Marhata power and was deeply touched by the social, economic, political and military plight of the Muslims of his times. Though he remained within the limits of Muslim Fiqah or jurisprudence, yet he asserted the need to apply the principle of *maslehat* or public good to the problems confronting the Muslim community. Accordingly, he favoured individual judgement or *ra'i* but within narrowly circumscribed *ijtihaad*. Consequently, he appealed to the prophetic tradition (Hadith) instead of following the opinions of the earlier jurists on basis of the doctrine of *taqleed*. He thus advocated the flexibility of the ijtihaad of the first four centuries of early Islamic history.

Allama Iqbal and his Ijtihaadi legislation:

Allama Muhammad Iqbal, one of the greatest thinkers of modern Islam, asserts that ijtihaad can be undertaken not only by an individual jurist but also by a legislative assembly. Emphasising the dynamism and flexibility of Islam, he defended the abolition of the Caliphate (Khilafat) by the Grand National Assembly of modern Turkey as ijtihaad. He said, "Let us now see how the Grand National Assembly has exercised this power of ijtihaad in regard to the institution of the Caliphate. According to Sunni Law the appointment of an Imam or Khalifa is absolutely indispensable. The question that arises in this connection is: should the Caliphate or "*Imamat*" be vested in a single person? Turkey's Ijtihaad is that according to the spirit of Islam the Caliphate or *Imamat* can be vested in a body of persons, an elected Assembly. Personally, I believe the Turkish view is perfectly sound. It is hardly necessary to argue this point. The republican form of government is not only thoroughly consistent with the spirit of Islam, but has also become a necessity in view of the new forces that are set free in the world of Islam". He further said that *ijma* (consensus) can take the form of ijtihaadi legislation. He writes, "The transfer of the power of ijtihaad (independent judgment) from the individual representative of the scholars (Ulema) to a Muslim Legislative Assembly is the only possible from *Ijma* can take in modern time."[43] Thus according to him the Shariah will be as defined by a legislature in the Islamic State.

Maulana Maududi, who also believes in the dynamism and flexibility of Islam, divides the Shariah in two parts: the immutable Quranic *nasus* or divine injunctions and the Sunnah, and the flexible part, consisting of the traditional fiqh. They constitute such parts of the administrative and constitutional parts of the Shariah whose details are left to the Muslims to work out "in accordance with demands of the age or the country in which they live subject, of course, to the limits prescribed by the Shariah. The immutable parts of the Shariah, he adds further, "are such that they can always fulfil the needs of human society in every age and in every country, provided, of course; that the entire Islamic scheme of life is in operation."

Recognising the importance of the Ijtihaad in the modern times, the Shariah Ordinance of 1988 in Pakistan has entrusted the task of making the laws in the country to conform to the Quran and Sunnah to the judiciary, especially to the Supreme Shariat Court of Pakistan.

To conclude, the importance of the Ijtihaad lies, as Allama Iqbal said, in the dynamic and flexible spirit of Islam, which is a complete code of life for all times and climes. Within the limits imposed by the Quran and Sunnah, Islamic Law can be interpreted by the authoritative opinion of a

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[43] **Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam*, pp. 155-160. Lahore. 1958.**

mujtahid, who may be either a man trained in Arabic, Quran, Hadith and Fiqah, or is a legislative assembly, consisting of the representatives of the Muslims or is a Judge trained in Islamic Law, i.e., in the Quran, Sunnah and Fiqah. This development will bring about a viable accommodation between the prescriptions and injunctions of Islam, on the one hand, and the imperatives of modern life and conditions, on the other. It will put an end to nearly eight centuries of stagnation in the Islamic Law and society.

Chapter 20

Liberty and Equality

Liberty of the individual and Sovereignty of the State are two poles of Political Science and Philosophy, around which most of their problems revolve. One of these problems is: How to organise the State so that its sovereignty is preserved without destroying the liberty of the individual. This problem leads us to a still greater problem, that of the relation between the State and the individual. Broadly speaking, these problems are solved in two ways, either by regarding the State as the end and the individual as a means to this end, or by regarding the individual's life, liberty and happiness as the end and the State as a means to them. The former view is that of Idealism and of such modern theories as Socialism and Fascism, while the latter is that of Individualism. In order to understand these problems and theories, we must know what is liberty, its various kinds and its relations to sovereignty, law and authority of the State.

What is Liberty: Its negative meanings.

The term "liberty" is derived from the Latin word 'liber' which means free or unrestrained. Montesquieu once remarked: "There is no word that admits of more various significations, and has made more different impressions on the human mind than that of liberty". In its absolute sense liberty may be defined as "the faculty of willing and the power of doing what has been willed, without influence from any other source, or from without." Or, briefly, "liberty is absence of restraint." Understood in this sense, it means the freedom of one man alone and the consequent restraint on others. Obviously, such an absolute liberty is not desirable at all. If one individual has unlimited freedom to do whatever he likes, all other individuals should also have the same unlimited and absolute liberty. But this is impossible in a society where one's action affects others and may injure their interests. So if there is no check on the liberty of an individual, he may do many things which may completely destroy the liberty of others. Moreover, if society is to exist and progress, there are certain things which no individual can be allowed to do at all, such as murder, theft etc. From this it follows that we cannot live without common rules which restrain the absolute liberty of all of us. Liberty has, therefore, to be defined on two bases: the desire of every man to have his own way and the social need to protect the equal freedom of others and their interests. Hence, the problem of liberty is not one of absolute freedom but one of relation between the individual desire for self-expression and the need to control individual action by certain common and necessary social rules and obligations. As Laski puts it, "Historical experience has solved for us rules of convenience which promote right living and to compel obedience to them is a justifiable limitation of freedom. Understood thus, liberty is the power to do anything provided it does not injure the freedom of others. That was how Herbert Spencer, an individualist thinker of the 19th century, defined liberty: "Every man is free to do what he wills, provided he infringes not the equal freedom of any other man". This is, however, the meaning of liberty in its negative aspect.

Its positive meanings:

In its positive sense, liberty is not only the absence of restraint but also the presence of opportunity to do or achieve something. It is, as Laski says, "the eager maintenance of that atmosphere in which men have the opportunity to be their best selves". It means the power to develop one's abilities and to plan one's life according to one's own will. In this sense liberty is a product of rights. It may be remarked that the negative aspect of liberty implies duties; the duties imposed on others not to interfere in my freedom and the duty imposed on me not to interfere in the equal freedom of others. In its positive sense, liberty implies rights or opportunities which are essential for the development of the ability, personality, interests and ideals of an individual. Liberty must therefore, be defined both as the absence of restraint and the presence of opportunity. Ordinarily, liberty is understood by a rich man in its negative sense, as absence of regulation by the State, and by a poor man in the positive sense, as the provision of opportunity to live a good life.

KINDS OF LIBERTY

There are various kinds of liberty:

Natural Liberty:

The concept of natural liberty has played a very great role in the history of political thought; yet it is a vague and misleading term. It is vague because it can be understood in several senses. It means, firstly, the absolute and unlimited power to do whatever one likes. Obviously, in this sense, liberty is really a licence to do unlimited harm to others. Such a liberty cannot be possible in society and State. Secondly, as Rousseau said, natural liberty means the freedom man enjoyed in the State of nature before the State came into being. It is the unlimited liberty of the natural man, moved as he was by his impulses and instincts. Unlimited freedom, as natural liberty means, is impossible and even dangerous, for it will cause licence and anarchy which are hardly desirable for social security and progress. Liberty is possible only in society and State. Law is the condition of liberty. *In the State of nature, there was no liberty: natural liberty was natural* *power and right was might.* Historically, natural liberty was closely linked with the concepts of the law of Nature described above, and Natural Rights, to be dealt with later.

Civil Liberty:

The concept of civil liberty is opposed to that of natural liberty, because it is liberty in the society, guaranteed by the State. It is defined as the sum-total of the rights given by law and protected by the coercive authority of the State. It consists of the rights and privileges which are guaranteed equally to all individuals by the State, either individually or in association, to choose and pursue objects which they deem good. Unlike natural liberty, it is not absolute or unlimited, because it is necessarily limited by the equal rights and liberty of others. It is both negative and positive in character. In the negative sense, it means, exemption from the interference by the government, and in its positive sense, it means the particular rights of the individuals who can call upon the government to protect them against all other individuals and associations. These two aspects of civil liberty provide us with two forms of liberty: individual and constitutional. Individual liberty is protected by private law and the constitutional liberty by public law.

It is also called personal liberty. It is the essence of liberty. It is a product of the State. When there was no State, there was no individual liberty. When it came into being, it created and maintained the liberty of the individual. At first, it was not well defined and properly guaranteed, because the authority of the State and its law were-also not thoroughly organised. But, in course of human history, as the State became better organised and its authority and laws more definite and effective, the right of man, which it guaranteed, also became more definite. Individual liberty is defined as the secure enjoyment by the individuals or associations of individuals, of the power to think their own thoughts and to express and act upon them in their own way under the shelter of law, provided they do not injure or destroy the corresponding rights of others.

J.S. Mill rightly remarked' that an individual should have as much of liberty as does not injure the liberty of others. Bertrand Russell regards personal liberty as the greatest of all political goods. Rousseau declared that "to renounce liberty is to renounce being a man, to surrender the rights of humanity and even its duties." Individual liberty consists of rights, which are essential to the development of individual personality. These rights are guaranteed by law which assure the citizens, firstly, that they are protected against their infringement by other individuals, and, secondly, that the government will not interfere in their enjoyment arbitrarily. They are, to mention a few, the right to life and person, the right of property, freedom of expression of opinions, right to free speech, freedom of association, belief and worship, etc. We shall describe these particular rights in detail later on.

CONSTITUTIONAL LIBERTY.

It is another aspect of civil liberty. "Liberty of individual" says Laski" is never real unless the government can be called to account, and it should always be called to account when it invades rights." Constitutional liberty consists of rights available against the government, as guaranteed by the constitution of laws or the State. However, this immunity of the individual liberty from government interference is a recent development. For centuries past, did not distinguish between the State and government. They claimed rights against the State. There can, however, be no rights against the State, but only against the government which is its administrative machinery. These rights are defined and guaranteed by the constitution or the fundamental law of the State, embodied in the public law. The constitution or the fundamental laws embody the principles, which define and regulate the conduct of the government, set a limit to its action as against the individual and grant him certain privileges and immunities with which the government may not interfere. The rights of the individuals and associations against the arbitrary interference by the government are safeguarded by different methods in various States. Generally speaking, they are:

(i) a written constitution, as in Pakistan, India, U.SA. which clearly defines and limits the powers and functions of the various departments of the government,(ii) The rule of law which proclaims the supremacy of law and equality of all citizens before it, whether they are ministers or private citizens, officials of the State or not. The Rule of law obtains in England, Pakistan and other British Dominions., (iii) a bill of rights or a declaration of Fundamental Rights, which are incorporated and guaranteed by the constitution, and cannot be infringed upon or denied by the government and (iv) the separation and independence of the judiciary from the executive.

Relation of Civil Liberty to Authority or Sovereignty.

Political life is, in fact, a perpetual tug-of-war between two conflicting forces, the desire of the government for more authority and the desire of the governed for more liberty. Liberty is sometimes believed to be opposed to law and authority of the State: the more of one means the less of the other. But law is the condition of liberty and authority its primary safeguard. Thus conceived, liberty is not consistent with (the exercise of coercive power of the State. On the contrary, since the freedom from interference can only be enjoyed by the forcible prevention of interference, liberty is seen to be dependent upon the existence of authority. The coercive power' of the 'State hinders the hindrances to the liberty of the individual. Thus the apparently contradictory ideas of sovereignty and liberty are found, on closer examination, to be correlative terms. However, the State which best guarantees and maintains liberty is a constitutional, responsible, and democratic State, and the methods by which it does so are that written constitution, the Rule of Law, the declaration of Fundamental Rights, etc. We may, therefore, conclude in the words of Leacock that the existence of liberty is not logically incompatible with the existence of the State, and can hardly be thought of as existing apart from it."

ECONOMIC LIBERTY.

Economic liberty means both the freedom of earning a decent and sufficient economic income and also the freedom from fear of unemployment or loss of economic income. It implies, as Tawny says, the absence of such economic inequalities which can be used as means of economic constraint. Laski has defined it thus: "By economic liberty I mean security and the opportunity to find reasonable significance in the earning of one's daily bread." Really economic liberty exists only when there is *"sufficiency for all before there is superfluity for a few."* It presupposes, therefore, a society in which there is no class domination and in which economic democracy prevails. Economic democracy means two things: firstly, the possession of economic rights by all citizens, namely, the right to work, right to reasonable hours of work, the right to minimum wage, the right to relief during periods of unemployment, sickness etc., the right to form trade unions, and the right to leisure, and secondly, the share of the workers in industrial organisation.

Its relation to other liberties.

Economic Liberty is the precondition of other liberties; none of them can really exist without it. An individual cannot be really free if hunger, starvation and destitution stare him in the face at every step. Nor can there be any liberty when there is a constant fear of unemployment and "insufficiency which, perhaps more than any other inadequacies, sap the whole strength of personality." Lenin has rightly declared that political or civil liberty is meaningless without economic liberty. The same is true of a nation. It cannot remain free and independent without being economically free and strong. A poor man has no freedom; he lives at the behest of other men, his employers. A poor nation has no independence; it exists at the mercy of its strong neighbours or at the charity of its foreign paymasters. In short, unless and until economic liberty prevails, civil, political and national liberties become illusory.

MORAL LIBERTY

It means the freedom of the individual to act according to his own conscience. Moral liberty is necessary for the growth of his or her character and personality. It does not exist when human mind or thought is controlled and regimented by religion, customs, tradition or political power or law. One of the great defects of Idealist philosophy of the State was that it declared the will of the State to be the real will of the individual and thus justified unconditional obedience to the State. But such an obedience will destroy the moral liberty of the individual. The real will is not the will of the State but the will of the individual himself which may or may not be embodied in the will of the State. Moral liberty consists in the right to freedom of belief and opinion.

POLITICAL LIBERTY

Political liberty implies the power of the people to determine as to how they are to be governed. Laski puts it thus: "Political liberty means the power to be active in the affairs of State". It means that each individual has the opportunity to contribute his opinion and his experience to the sum-total of public opinion and experience which go to determine the decisions and policy of the government and the laws of the State. Leacock calls it "constitutional liberty" and defines it as the power of the people to choose their government which is responsible to them. Gettell regards political liberty in modern times as synonymous with democracy or popular government, because in such a government the people themselves determine how they shall be governed. Democracy, as Gilchrist says, is based on the principle that each citizen is able to express his opinion on the affairs of government which concern him or his country. So political liberty implies both the freedom to express one's opinion in the affairs of the State as well as a share in its authority. In other words, political liberty aims at placing both liberty and sovereignty in the same hands. It consists in such rights as the rights to vote, the right to be elected, the right to hold a public office, if adequately qualified for it, the right to criticise the government, the right to be informed of the affairs of the State, etc.

Its relation with other liberties.

The struggle for political liberty has a long history behind it. At first, the people struggled for the recognition of their civil liberty or civil rights. But once civil rights were acquired by them, they found that they could not enjoy and secure them properly without participating in the political affairs and exercising political power. The reason is, as Laski points out, that those who are excluded from a share in political power tend to be excluded from its benefits as well. This led to a demand for political rights. The growth of political liberty shows that it exists only in democratically governed countries, and that it is closely linked with civil liberty. Political liberty is a necessary complement to civil liberty. Without political liberty, civil liberty is incomplete, and may even become meaningless and illusory. But political liberty cannot be preserved, as Laski says, without two essential conditions: viz., universal education and free press. The doors of education should be open to the children of all citizens, regardless of their income, wealth, social status, sex, religion, and other distinctions. Moreover, an educational system must not be based on different schools and education for the children of the rich and the poor.

Such discrimination produces the same kind of society that existed in the Middle Ages with its division into two classes of nobles and serfs, or in the ancient times with its division into free citizens and slaves. The children of the rich will be trained in the habits of government and political monopoly, while those of the poor in the habits of subservience and passive obedience. In short, such an educational system will not produce a free people. The second condition of political liberty is the provision of an honest, truthful and adequate supply of news and general information. It means a free press. If democracy means a government guided by public opinion, the opinion of the people must be enlightened opinion, based on truthful information and reliable news. The press disseminates information and knowledge which is honest, straightforward and unbiased. But this is often not so. It sometimes skilfully omits relevant facts and deliberately distorts other. If so, public opinion will be unrelated to truth and will be corrupted at its very source, "for to exercise one's judgement in a miasma of distortion is, ultimately, to go disastrously astray."

NATIONAL LIBERTY.

It implies the freedom and independence of a nation. It is freedom from foreign control. It means a free people in a free country. Really national liberty implies external sovereignty. Moreover, without national liberty a people cannot enjoy or possess other kinds of liberties. National liberty is, thus, the foundation of civil, economic and political liberty. For example, the people of Indo-Pakistan did not enjoy liberty when they were under the rule of the British Imperialists. Or take a recent example. Today the Kashmiri people in Occupied Jammu and Kashmir enjoy no liberty, because they are denied the right of self-determination by the Indian occupiers. National liberty consists of such rights as the right of self-determination, the right of self-government, the right to be ruled by national government.

Three Aspects of Liberty.

Liberty as such manifests itself in one or more of its three aspects: liberty of thought, liberty of speech and liberty of action. Every individual or group of individuals seeks liberty either to think, say or do something. There is no liberty if he or she is prevented from thinking or saying or doing something, as he or she likes, by the force of the State or law, or by the opinion of the majority, social customs or religious conventions, etc. of the three aspects, liberty of speech, including, liberty of reading, writing and discussion, is the most essential factor because the liberty of the thought and action would automatically-follow from it. When the people are free to say anything they like, they criticise each other's opinions. From discussion and criticism arises truth, as it is sifted out by conflicting opinions and views. Thus liberty of speech becomes a free enquiry into truth. Finally, when the people know the truth, they act upon it. In this way a free people move from one freedom to another.

Ends or Advantages of Liberty.

1. *Liberty develops personality and makes life a fine art.*

Liberty, especially the liberty of speech and action, is the most essential factor for the development of personality. Rousseau was absolutely right when he said that "to renounce liberty is to renounce humanity, the right to be a man." Laski expresses the same thought when he says, "to allow a man to say what he thinks is to give his personality the only ultimate channel of full expression and his citizenship the only means of moral adequacy." Moreover, there is only one meaning in life, the art of living itself, and this art of living requires that one is free from commands and restrictions. Freedom implies the capacity to change one's life, to make every day practically better; it means to try to alter our environment, the world we live in.

2. *Liberty assures good government.*

Freedom, especially freedom of speech and discussion, is of utmost importance for good government. The people must enjoy civil liberty, that is, the freedom of speech, press and assembly or association in political affairs, in order that the government may be responsive to the will of the people and to change it if they so desire. The freedom of discussion and criticism would restrain the government, especially its executive organ, from hasty and oppressive acts for the fear of provoking adverse criticism. Law becomes the mirror of public opinion when the government, especially its legislative organ, is attuned to the influences of the opinion of the people as expressed in press, platform and election or by the exercise of political right of franchise. Viewed thus, liberty becomes the basis of the State, for freedom does not depend upon the State, but the State depends upon free men.

3. *Liberty of the-individual is the starting-point of all human progress in arts, science, culture and industry.*

It is from the individual human mind that everything comes. Everything in science or art, philosophy or industry was first thought or done by one man or woman. But in the past and in the present dictatorships, his or her expression of thought and action was resisted or opposed by other persons, by the majority in power, by social or religious rules or political authority, as a heresy or unorthodox opinion. It is exactly in such heresy and unorthodoxy that the secret of progress and human greatness lies, for the heresy of today is the orthodoxy of tomorrow. What was condemned as heresy yesterday is accepted as a commonplace truth today. 'The world gains nothing", observes Laski, "from a refusal to entertain the possibility that a new idea may be true. Nor can we pick and choose among our suppressions with any prospect of success." Society in fact needs freedom because every living civilisation and culture needs perpetual renewing by new ideas, new opinions, new techniques and methods which alone will prevent stagnation. It needs it again, because we can avoid the alternative of violent revolution. Free discussion and free enquiry have always been the parents of intellectual advancement. Freedom of discussion and speech "fosters a general intellectual tone, a diffused disposition to weigh evidence, a caution before hasty action, and a conviction which was wanted in the more fanatic world." The world of mind and thought must not be under political control. The collapse of the communist authoritarian systems during 1989-90 in the Soviet Union and in East European countries fully proves these truths.

LIBERTY, LAW AND STATE

TWO VIEWS.

One of the fundamental questions of Political Science is the nature of the relationship between liberty and law, and authority. There are two schools of thought: (i) One is that law and liberty are opposed to each other; hence the more of one means the less of the other. This view is entertained by the Individualists, Syndicalists and Anarchists. Law is the order of the State, which is sovereign, and all-powerful. Law therefore, restricts the freedom of the individual, by imposing restrictions on him. Hence the Individualists, who want to maximise the liberty of the individual, declare that the State should interfere as little as possible in the life of the individual and should make as few laws as possible. Every law is one more limitation or interference in the life and interests of the individuals. Thus, as Dicey said, "the more there is of the one, the less there is of the other." Herbert Spencer, another Individualist, entitled his book, *"Man versus the State."* The Anarchists go to the extreme of abolishing the State alogether. According to them, man will be free only when there will be no law and no State, (ii) The other view is that law and liberty are necessary for each other, that liberty is not possible without law; the more the law, the more the liberty. According to this belief, law creates liberty, or law is the condition of liberty. Every law enlarges the freedom of the individual. This is the view of the Hegelians and other Idealists. Locke has expressed this view in these words, "the end of law is not to abolish or restrain but to preserve and enlarge freedom."

The correct view of the relation between law and liberty.

The fact is that both views have gone to extremes; they have exaggerated facts. Truth lies in between the two extremes. There is, undoubtedly, an intimate connection between law and liberty. Law is related to liberty in three different ways: (i) Law create those conditions in which an individual can enjoy liberty. It defines the rights and duties of the citizens. It protects the rights and liberty of an individual by preventing others from interfering his liberty and rights. It protects the weak against the strong. If law does not perform this important function, no man will have any liberty. The weak will be at the mercy of the strong and would mean might is right. There will be chaos and anarchy in the society. Such a society will be like Hobbes' State of Nature, "where life is nasty, brutish and short". This is the-negative aspect of the relation between law and liberty, (ii) Law is also positively connected with liberty. It creates those essential conditions without which liberty cannot be enjoyed at all. They are education, sanitation, factory laws for good working conditions, cultural and intellectual development, etc. These are the opportunities for moral and intellectual development, which law creates equally for all individuals. Law creates the moral and social scope "for our personal initiative in things that add to our moral stature." For instance, the law that orders compulsory education for children is not a restriction on the freedom of the parents to employ their children as they like, but a necessary condition for the moral and intellectual development of the young people. It enables the future citizens to develop their personality. Law, therefore, is not the negation of liberty, but is in fact the medium of liberty, (iii) Law also creates conditions of liberty by putting restrictions on the authority of the government. This is done by the supreme law of the land, the constitution. The constitution restrains the Government and its departments from interfering or denying the enjoyment of liberty and rights by the citizens.

But every prohibition or restraint imposed by law is not conducive to or a guarantee of liberty. If a law imposes such restrictions on the activities of an individual which hinder his moral or creative development, it is against liberty. As Laski writes, "What each of us desires in life is room for our personal initiative in the things that add to our moral stature. What is destructive of our freedom is a system of prohibitions which limits the initiative there implied." Those laws which deny the citizens the right to express opinion, or act for their moral progress, are opposed to liberty. They do not create liberty, but destroy it.

SAFEGUARDS OF LIBERTY

We know that liberty is indispensable for the development of personality, for good government and for the progress of the nation in all walks of life. The question now is: what are the devices and means by which it can be safeguarded and the individual can be secured in the enjoyment of the rights which alone make him free? They are as follows:

1. **Law. Law is an important condition of liberty**: It defines and protects rights and freedoms of the citizens. Montesquieu has correctly shown that "it is principally by the nature and proportion of punishments imposed by law that liberty is established or destroyed." We have discussed the relation of law and liberty above.

2. **Independence of Judiciary:** The judges protect the enjoyment of liberty and rights of the citizens not only against the encroachment by other citizens but also against the government. But they can perform this important function properly when they are not restricted by the executive or the legislature in the discharge of their duties. This is possible only when they are independent of them, that is, when their tenure of office, promotion, salaries, etc., are not dependent upon the favours of the ministers or the legislature.

3. **Democracy:** Democratic form of government assures greater liberty to the individual, because under it the rights of the citizens cannot be easily disregarded. In a democracy, political power rests with the people. The rulers are their nominees, and therefore, cannot deprive them of the liberty. There is, however, one danger to liberty under democracy, viz., tyranny by the majority.

4. **Fundamental Rights:** In all good constitutions, some basic rights of the citizens are declared by the constitutions as sacred and inviolable so that they cannot be denied to them and are available even against the government. They are called Fundamental Rights. They are a check upon the tyrannical tendencies of the legislative majorities, which in democracies sometimes tend to deprive the citizens of their rights and liberty.

5. **Local self-governing institutions:** In a State where local self- governing institutions work properly, the liberty of the people is more secure. Local self government is called the primary school of democracy. It trains the people in the art of self government and inculcates in them the habits of initiative, self reliance, and imparts to them the knowledge of conducting political business and bodies. For example, in England the local self government bodies are so developed that they have properly safeguarded the freedom of the people.

6. **Rule of Law:** The rule of law means the supremacy of law, equality before the law and sameness of law for all persons. In other words, it means that no person is punished or deprived of his liberty unless he has violated a law, as shown before a court. But if a person has violated a law, he is to be tried in the ordinary courts and under the same body of laws, whether he is an ordinary citizen or an official.

7. **Economic equality:** Liberty can best be enjoyed in a State where there is a fair degree of economic equality, that is, where there is no great inequality of wealth. "Liberty would be hollow without some measure of equality and equality would be meaningless without liberty."

8. **Eternal vigilance:** In the last resort, the best safeguard of liberty is the spirit of the people and their love for liberty. No political, juridical or constitutional devices can make a people free unless they themselves do not want to remain free. They should not only love freedom

but be ever ready to resist and crush all attempts to make them feel 'not free'. "Liberty lies in the hearts of men and women". Writes judge Learned Hand, "when it dies there, no constitution, no law, no court can save it". It has been rightly said that "eternal vigilance is the price of liberty". The citizens must be always alert. They should not meekly submit to unreasonable interference in their rights. Such habits as indolence, indifference to public affairs, lack of interest in what the government does, selfishness, lack of civic sense, passive obedience, etc., weaken the people's will for freedom and thus destroy liberty.

9. **Decline of liberty in the Modern State:** People struggled for liberty during the 17th and 18th centuries. They secured and enjoyed liberty in increasing during the 19th century. But since the World War I (1914-18) they are increasingly deprived of their freedom and liberty in many countries of the world. Many anti-freedom movements have swept over several parts of the globe today; fascism rose in Germany, Italy and Spain. McCarthyism threatened liberty of thought, speech and association in the U.SA. Anti-Communist crusades in many countries have denied liberty and rights to communist, socialist and leftist parties and associations. In Communist countries rights of many human individual are recognised in theory but denied in practice. Even in England which prided herself as the home of liberty during the 19th century liberty is on the decline. "There have been more prosecutions", says C.E.M. Joad, "in England during the fifteen years that have elapsed since the World War I than in the half century before 1914'". We described below the causes of the decline of liberty in modern times.

1. **Growth of modern science and industry.**

In the 19th century science and industry were confined to a few countries which were free in their organisation and influence. But the government of every country today endeavours to protect its economic prosperity and stability by regulating economic, industrial, agricultural and commercial relations and activities, which limit the freedom of the individuals and groups to a great extent. State interference in economic life is one of the reasons of the decline of liberty.

2. **Decline in the social position and value of the individual.**

Nineteenth century was the heyday of Individualism, because in the West European countries the individual had, after centuries of social evolution freed him from the dominance of feudal groups and customs. He was granted rights and freedom. Thus his position changed from socially determined role and position to self-determined role and position. But in the 20th century the individual has again come under the domination of new groups. If in the past his social role and position were determined by his family, his birth, caste, etc, they are now determined by' his nation, national

State, political party, trade union, class, etc. The new groups and forces are far stronger and more widespread and complex in organisation and influence than the older groups ever were. They control the life and activities of their individual members far more effectively and rigidly than the earlier groups could ever do.

3. Growth of mass-propaganda.

The growth of the techniques of mass-propaganda is perhaps the greatest discovery and the most important feature of the present century. Radio broadcasting, cinema, mass-circulation news papers and magazines, television, and space satellites and such other inventions have placed powerful means in the hands of the Government to control human mind and thought. Modern man listens more than he thinks. His mind and tongue have become sort of living tape-recorders, because men now say what they have heard on the radio or read in newspaper or seen on the television screen than what they have themselves thought. This has depressed the position and worth of the individual and made him a mere cog in the huge propaganda machine of the State. Human mind has become mechanised for which liberty of thought, belief, opinion and the like have little or no value.

4. International tension.

Science and technology have made our globe a small world. But ideology and national hatreds have divided it into warring groups and blocs. International rivalries are raging over the whole globe. An unending period of crises exists in the present times, during which there is little or no room for the liberty of the individual. As criticism impairs national unity and sows distrust, the voice of opposition to government is suppressed. In such an atmosphere liberty finds it extremely difficult to flourish.

5. Growth of centralisation.

Owing to the causes mentioned above and the increase in the activities and responsibilities of the modern State, its authority has increased. Centralisation of government authority has become the order of the day. But every increase in the authority of the modern State has led or tends to lead to the corresponding decrease in the liberty of the individual.

EQUALITY

PROBLEM OF EQUALITY.

Like liberty, equality is one of the most important concepts of political thought. The French Declaration of Rights of 1789 proclaimed that "Men are born, and always continue to be free and equal in respect of their rights." The American Declaration of Independence said the same thing earlier in these words, "We hold this truth to be self-evident that all men are created equal". The popular meaning attached to the term equality is that all men are equal and all should be entitled to the same treatment, and have an equal amount of income or wealth. It means that they get identity of treatment. But such an equality does not exist. Men are not equal in mental or bodily powers. Nature has not created all men equal. Inequalities are the most obvious facts of human life. Every man, woman and child is different in mind, body and character from all others. Some persons are white, and others are black, some are big, others small, some are intelligent and others are not so, and so on. Thus men and women differ from each other in their capacities, wants, needs, habits ideas, ambitions, interests, and other mental, moral and bodily equalities. These inequalities are due to nature and nurture, that is, due, to heredity and social experience and education. Even two brothers are not alike, although they are born to the same parents and are brought up and educated in the same environment. If inequalities are the inescapable facts of human life, it is also impossible to level them down and establish equality. Even if the State or law established equality in wealth and other material possessions, it would be unable to maintain them, because the natural differences among men will enable them to bring about inequality of wealth again. And if the State maintains equality by means of its coercive authority, it would destroy the springs of human energy and initiative and cause dull uniformity and laziness in the society. So we conclude that the idea of equality does not mean the equality of reward or wealth, or equality or uniformity of human mind, body and character. Such an absolute equality is an impossible ideal. Nevertheless, "inequality", as de Tocqueville remarked, "has ever been the breeding ground of all revolutions, which have changed the face of the world".

The principle of equality arose as a protest against the class distinctions and injustices of the medieval society. These inequalities persist even to day. Ritchie said that the idea of equality arose in the early modern time as a protest against the privileges and injustices of the feudal nobility. In what sense, then, can we say that men are equal?

Meaning of Equality.

Equality means, firstly, the absence of special privileges for any class of people. All persons should be allowed to enjoy equal rights in the State. To that extent, it implies a certain levelling process. Secondly, equality means equal opportunities to develop one's ability and faculties of mind and body. The State must prove such facilities as education, training, etc. to the citizens that are most likely to develop their potential capacities and their faculties to the full. This is the positive aspect of equality. There should be no privileged classes to monopolise social, economic, educational, political and other opportunities, as the feudal nobles used to do in the Middle Ages, and the slave-owners in ancient times. Thirdly, equality means that everybody is equal before the law and that no one is above law. In short, equality is not identity of treatment, but equality of opportunity and rights.

Different kinds of Equality.

Equality can be understood in five different senses:

Civil or Legal equality:

It means that all citizens should enjoy the same civil rights and liberties. All are equal before law. There is no equality, if there is one kind of law for one class of people and another for other classes , or if law benefits one class at the expenses of another, or if law makes distinctions between citizens on the ground of wealth, birth, political opinion, colour or creed or sex. Law must confer equal rights on all citizens, regardless of any distinction.

Political equality:

It means that all citizens have the same political rights and equal voice in government, and an equal access to all offices of, authority, provided the necessary qualifications are fulfilled. Obviously, political equality is possible under democracy and adult suffrage. But political equality becomes real only when accompanied by economic equality.

Economic equality:

It is sometimes understood as the abolition of all differences of wealth and making all to possess absolutely equal amount of wealth or income. Such an equality is a physical impossibility. Even if such an experiment is made will soon fail because of the natural differences among human beings in want and their capacity to satisfy them. Therefore, after sometimes differences of wealth and income will again come into being. What economic equality really means is equality up to the margin of sufficiency. It means the opportunity to satisfy the minimum economic needs which enable an individual to live a decent and active life, without frustrations. The minimum is shown by the fact that all men need to eat, drink and have shelter. All of these needs are equally urgent for every one to this extent; the economic needs of all must be satisfied. But beyond it, there may be differences of income or wealth. In correct terms, it means that one man must no eat cakes when ten others are starving to death, or a few men must not have abundance of wealth while the masses of people have not enough food, clothing, medicine and other necessaries of life, to keep themselves alive. Such inequalities of wealth and income would court the upper classes, vulgarize the middle classes and brutalize the poor classes. The State must, therefore, guarantee all citizens such an amount of wealth and income which enable them to satisfy their primary needs of life. As Laski puts it, economic equality is a problem of proportions. It implies a certain levelling process so that there be no longer the present-day inequalities, which produce frustrations among the have-nots, and over indulgence among the haves. This equality is the basis of social justice. It will solve our social and political problems.

Social Equality:

It means that all individuals are equal members of the society and no one is entitled to social privileges. It implies that there should be no distinctions in the social status of the people due to differences in race, colour, rank, class, caste or sex. Caste system or Untouchability among the Hindus destroys social equality. The colour bar against the Negroes as in South Africa against the coloured peoples also destroys social equality. Social inequality is an inevitable result of economic inequality.

Natural equality means, as we said above, that nature has made all men equal, as was believed by early writers. But in fact there is no natural equality. Nature has not made all men equal. Rather, the opposite is truer. All men are unequal in physical, mental and moral qualities. Historically speaking, the cry of natural equality has been very useful in levelling down man-made inequality of wealth, social status or political privileges.

Liberty and Equality: -

Political writers are divided into two groups on the question of the relation between liberty and equality. Lord Acton and de Tocqueville hold the opinion that liberty and equality are opposed to each other." The passion for equality: says Lord Acton, made vain the hope for freedom. These writers further assert that equality destroys individual liberty and debases the social organisation. They say that men are by nature not equal in habits, tastes, interests, ideas, etc. Then how can they be equal in liberty and rights?

On the other hand, most people agree that "liberty would be hollow without some measure of equality and equality would be meaningless without liberty". This is the correct view of the relation between liberty and equality. Both depend upon each other. In other words, they are not antagonistic and incompatible but complementary to each other. This relation can be noticed in all aspects and kinds of liberty and equality, as described below.

Political Liberty and Equality:

Liberty and equality are complementary, one supports the other. This is particularly true of political liberty and economic equality. Political liberty means the right to choose the government, to control its decisions and policy by making it ultimately responsible to those who elected it, and to participate freely in the discussion and direction of the common affairs of the State. Now the political liberty and equality will be possible only when there is economic equality among the voters. It is one of the lessons of history that those who possess wealth control politics and government. It is indeed a vicious circle. Wealth gives political power and political power in its turn provides more wealth and so on. In this race for wealth and power, the poorer and the middle classes have no place. They have neither leisure nor culture to devote them to politics. Thus political power becomes the monopoly of the few rich. Without economic equality, political liberty or democracy remains a mere myth. As Laski says, "If liberty means the power of expansion in human spirit, it is rarely present save in society of equals. Where there are rich and poor, educated and uneducated we find always masters and servants." Laski concludes, "Political equality can never be real unless it is accompanied by virtual economic equality."

Civil Liberty and Economic Equality.

Civil liberty is the sum-total of rights recognised by law and ensured by the coercive power of the State. These rights are of several kinds, e.g. rights to life, freedom, property, equality before law, right of the education, etc. But the question is: How far can these rights and privileges be (enjoyed by men? They can be enjoyed only when there is no overt or covert denial to their enjoyment: or exercise. One of the most common possibilities of denying this enjoyment of rights by the individual is the inequality of income and wealth. Inequalities of wealth or economic possessions will inevitably bring inequalities of treatment and rights. For example, one of the most important civil rights is the equality before law. But when two persons, one rich and other poor, go to the court to seek justice, the rich has greater chances of getting it as compared to his poor rival. He can engage better and more qualified lawyers and legal counsels, while the poor man cannot pay their high charges and fees. That is why we sometimes find that a rich murderer is set free by a magistrate who was convinced by the clever and hair-splitting arguments of his counsel, while the poor man is hanged for murder because he could not engage a learned advocate Such difference in the administration of law "are dependent not upon the law itself but upon the social results of the inequality of wealth. Hence Laski said that there seems to be one law for the rich and another for the poor when it comes to the preparation of a defence in the case. The same difference in the enjoyment of rights is seen in other civil rights. Take, for instance, the right to education, or to rest, culture, etc. A rich man can make them real, while for poor a man they are empty words. He cannot avail of them at all, or at least not to the same extent as the rich. We concede that the realisation of civil liberty depends to a great extent upon economic equality or upon the removal of gross economic inequalities.

Chapter 21

Rights and Duties

What is right?

Human nature has two aspects, personal and social. Every individual has a desire, a need or a want to do or have some thing. He wants to satisfy his bodily needs for food, clothing and shelter, his instinctive needs for family and friendship, his social needs of companionship and company of like human beings, his cultural, intellectual and countless other needs and purposes, ideals and ambitions. He strives to satisfy or realise them. This constitutes his personality-the personal or individual aspect of his life. Had he been alone in the world, like the fictitious Robinson Crusoe, the satisfaction of his needs and desires or the realisation of his aims and purpose would have been determined by the powers and capacities of his body and mind. But no man lives alone. He lives in the company or society of other human beings. Now, in society, when an individual wants to do something it must be directly or indirectly, tacitly or expressly accepted by others. This is the origin of a right. When the claim or power of a person to do or have something is recognised by others, it becomes a right. In brief, right is a socially recognised claim, arising from the very nature of human personality and society. But why should an individual claim a right and why should others recognise it? Every action evokes a reaction and leads to a social relation. Right invokes claim to action on one side and recognition of the claim on the other. Other men recognise only those claims which promote common good, that is, the good life for all. Society recognises those desires or claims for action which firstly does not injure the equal claims of others, and secondly, promotes its common good. It means, firstly that the individual must be conscious of his own good and develop his power to realise it, and, secondly, he must be conscious of the good of others and help them in realising their desires and powers. Only those desires and claims of an individual are rights which promote the same and equal desires and claims of others. This is the common end of social life, the common good or welfare and happiness of all. This is, briefly, the essential nature of rights, which consists of three things, the needs of human personality, the social recognition and the common good or the moral nature of social life. The recognition of a right may be given by the conscience of men, by the social opinion of a people or by the State. Each agency of recognition gives us different kinds of rights. Human conscience recognises moral rights, social opinion, social rights and the recognition by the State gives us legal rights. Furthermore, right is only one end of a social relation, the other end being duty. A right is my claim on others to do or have something, while duty is the others claim on me to the same freedom of action or enjoyment. Thus every right implies a corresponding duty. A good social relation means a reciprocal right and duty. Where a social relation gives rights to one person or class of persons without imposing duties on them, it creates a relationship of masters and slaves, as it existed in feudal society of the Middle Ages and in the slave society of the ancient times.

Some definitions of Right by eminent Writers.

Rights are those conditions of the social life without which no man can seek, in general, to be himself at his best-Laski.

A right is one man's capacity of influencing the acts of others by means of the opinion and the force of society - Holland.

A right is a reasonable claim of freedom in the exercise of certain activities -Wilde

A right is a power claimed and recognised as contributory to common good -Green.

We may define right as a claim or power of an individual or a group of individuals for freedom or opportunity for action considered as fundamental for their well-being, and allowed or recognised by the society or the State.

We may here summarize the essential points and contents of a right as thus: (i) a right is a claim, desire or power of a person to act, possess or achieve something, (ii) it is recognised or accepted by the society or State, (iii) right exists only in society or State (iv) it enlarges freedom of the individual; a right is the socially protected or guaranteed freedom; liberty is the product of rights, (v) rights are recognised by the society or the State, because they serve the moral end of the State, which is to promote the general welfare, the moral end being the common good of all men, (vi) every right has a corresponding duty or obligation, (vii) rights to be enjoyed must be clearly defined by law and sanctioned by the authority of the State, (viii) State does not create rights, it merely recognises them, for rights arise from human nature, (ix) rights have as tendency to grow and change with the growth and change in the needs and conditions of social life and progress.

Utility of Rights.

Rights are useful and necessary for the individual, for the society and for the State. Their utility for the individual lies in the fact that they are the necessary conditions for the development of human personality. They help man to be his best self. They are the opportunities to express his will and develop his personality. Rights are indispensable for the moral growth of the individual. It is by means of the rights that he or she can realise the ends of his or her life.

Rights are also useful for the society. They promote the common good of all. Their utility consists in the enrichment of social life. When an individual develops his or her personality and ability the whole society gains from him. Rights, therefore, arise only in society. Without rights, society becomes a jungle, a world of animals, in which force or might prevails.

Rights are also useful for the State. A State is known, as Laski says, by the rights it maintains. Rights are claims recognised and protected by the State. They serve the ends, the State seeks to serve. A government that refuses to recognise rights becomes a tyranny. If a State refuses the claim of rights, it loses the claim to allegiance. The more the State grants rights, the more its ends are realised.

THEORIES OF RIGHTS

The nature of rights is variously explained by different writers. The most important theories are as follows:

Theory of Natural Rights.

The doctrine of natural rights was an essential part of the theory of Social Contract. According to its theorists, individuals enjoyed certain rights in the pre-political existence, which they called the "State of nature" They are called natural rights, because man enjoyed them in this pre-political natural condition.. They are independent of and prior to the State. They do not, therefore, depend for their validity upon the recognition and enforcement of the State. Man is born with them and these are inhering in him. "They are as much a part of his nature as the colour of his skin and the power of locomotion". They are, therefore, inalienable or inseparable from man. The State cannot deprive any one of his natural rights, because they are inalienable. Indeed, the State was established by the social contract only for their preservation and guarantee. Nevertheless, the social contract writers do not agree among themselves as to what the natural rights are and how they are ensured by the State.

Locke's theory of natural rights had a great influence on subsequent history of political thought. It has inspired several Declarations or Bills of Rights in France and America and the modern theory of Fundamental Rights, and also led to the rise of the modern individualism. For example, the French Declaration, of the Rights of Man proclaims in its preamble: The representatives of the people of France, considering that ignorance, neglect, or contempt of human rights are the sole causes of public misfortunes and corruptions of government, have resolved to set forth these natural, imprescriptible and inalienable rights." The American Declaration of Independence said that men "are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness," After the French Revolution, the old theory of natural rights was more and more discarded by the writers. It was found to be defective in several respects. The English Utilitarians were its greatest critics. For instance, Bentham contemptuously declared that the natural rights are "nonsense upon stilts,* and that natural law is a mere fiction.

Criticism.

The old theory of natural rights has been criticised and rejected on the following grounds:

1. The term, 'nature' is confusing and vague. Does nature means the nature of man or the nature of the world? Does it mean the static or the dynamic aspect of nature? Writers differ about the meanings of natural rights and natural law as they differ about the meaning of nature. For instance Hobbes believed that natural rights arise from the nature of man which is selfish and aggressive. Hence in society or State, there can be no natural rights because it is created to curb the selfish and aggressive propensities of human nature. Locke, on the other hand, believed that natural rights of the individual arise from the very nature of things; they inhere in the enjoyment of life, liberty and property.

2. Rights are not prior to society and State. The basic weakness of the theory of natural rights is the claim that rights existed independently of and prior to the society and State. A solitary individual has not right but power. Similarly, an individual who is living among others and yet does something even without their tacit consent or approval uses his might but not fight. It is the State which creates those conditions and opportunities in which an individual can exercise his powers to act and develop his self and personality. Such conditions and opportunities exist only in society. Hence there were no rights before society and State. Moreover, the State alone can guarantee rights by protecting them and enforcing the duties corresponding to them. Rights are empty claims if they are not recognised and enforced by the State.

3. The theory of natural rights implies the existence of natural liberty, which is untenable. Natural right means natural power or the unlimited freedom to do as one likes. But natural liberty or unlimited freedom is impossible in society. It is a social as well as a political impossibility. Freedom of every individual is limited by the equal rights of others and by the common good of the society and the State.

Merit.

Despite its defects, the theory of natural rights has one merit. It emphasises the fact that there are certain rights which man must enjoy because the full and free development of human personality. Modern writers have interpreted this theory in this sense.[44]

Modern Theory of Natural Rights.

T.H. Green, the idealist philosopher, explained natural rights by reference not to the past but to the future. He holds that they are inherent in the moral nature of man. They are minimum basic conditions for moral development and self-realisation. Man exists to realise the best in his nature. The State must create those conditions in which he can do so. These necessary conditions of moral development of human personality are the natural rights.

Laski rejects the historical element in the theory of natural rights as existing at some time in human past. He criticises some points of this theory. He says "They are not historical in the sense that they have at some time won their recognition. They are not natural, in the sense that a permanent and unchanging catalogue of them can be compiled". But he accepts other aspects of this theory. He says. "They are historical in the sense that, at one given period and place, they are demanded by the character of its civilisation, and they are natural in the sense that, under those same limitations (of time and place) the facts demanded their recognition. These rights are freedom of speech and of association, the right to suitable employment, and a living wage, adequate education, proper self government, etc. They are natural rights because they are useful to the ends the State seeks to serve. They may not be recognised by a given State, but they demand recognition. In this sense they are prior to State, because without them the purpose of the State cannot be fulfilled. Any given State is set between rights that have been recognised and rights which demand recognition, that is, between legal rights actually *recognised* and *the ideal or natural rights demanding recognition"*. This view of natural rights is both correct and incontestable.

Legal Theory of Rights.

The legal theory is just the opposite of the theory of natural rights. It is propounded by the jurists of the Analytical School of Law. According to them, the State does not recognise but actually creates rights. A right is that claim which is upheld by the "force of the State upon the order of its courts". It is the law or command of the sovereign and his authority that creates and maintains rights. Hence there are no rights which inhere in human nature. The State creates rights by formulating them, by defining their scope and by establishing law-courts and legal procedures to protect their enjoyment by the citizens.

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[44] **As Sir Ernest Barker writes: 'Nature knows no rights that ought to be; her rights are simply the powers which each of her creatures actually uses for its assertion of itself in struggle.... Her 'laws' are (simply Statements of cruel facts; her rights are simply brutal powers.... No rights exist in such a sphere: and any notion of moral rights must be set aside as irrelevant." *(Political Thought from Herbert Spencer Today,* 134).**

Certain implications follow from the legal theory. As the State is the creator and enforcer of rights, the individual has no rights against the State. Without the State there are no rights but only powers. Right without the State is might. To exercise power or might is tyranny. The State exists to restrict the tyranny or might of the strong and to turn one's power into right. Law changes a claim into right, without which it is an empty claim, a mere puff of wind.

Criticism:

The legal theory of rights is vehemently attacked by the Pluralists, especially Laski. He says that the State does not create rights, it merely recognises them. Moreover, just as the State has rights against a citizen, he has also rights against the State. They are justifiable by a reference to common good which include the good of all. The State must respect the rights of man, because they are those conditions without which man cannot be the best self that he may be. Furthermore, a man has rights not only on his membership of the State but also of his other associations. Every association has rights as real and as compelling as the rights of the State. To confine the rights of a man to the membership of the State is "to destroy his personality and not to preserve it". Finally, rights come not from law but from our sense of right and wrong, and when it changes, our rights change. Hence law cannot be the only source of rights.

There is a much truth in the criticism of the legal theory. But it has pointed to some essential truth also. Rights which are not recognised and enforced by law are mere claims. They cannot exist without law and the State. Nevertheless, mere recognition is not sufficient. A right must be grounded in our moral nature. It must arise from the needs of our moral development. In other words, a right is first moral and then legal.

Social Welfare Theory of Rights.

Its advocates hold that rights are essential for social welfare. Man must possess rights to be of service to society. They are socially useful or socially desirable, because they promote the greatest good of the greatest number. It was on the basis of social welfare of the greatest number that Bentham and Mill justified rights of the individual. Laski also holds a similar opinion. He says that rights are related to the functions one performs for the society. My rights, he says, "are built always upon the relation of my functions has to the well-being of society, and the claims I make must be clearly enough claims that are necessary to the proper performance of my functions. In brief, only those rights are recognised by the society which contribute to public good. Yet they are related to individual happiness and personality, because the welfare of the community is built upon the happiness of the individuals. On the other hand, one cannot have rights against public welfare because it is to give him rights against welfare which is really and ultimately his welfare also. Hence, rights are not independent of society but inherent in it. They are correlative to such functions as contribute to the well-being of the society.

There is much to command in the Social Welfare Theory of rights. By relating rights to social function and social welfare, it gives us a better criterion of personality than the Idealist theory. Personality is not to be understood in the sense of an allotted or fixed station in life, as the Idealists believe, but as the function which an individual performs in life. Any theory of personality which starts with the notion of an allotted station in life is unprogressive and unacceptable: it turns society into a caste society. The Social Welfare Theory avoids this pitfall. It takes a dynamic and progressive view of society by relating rights to functions. It has, however, one shortcoming. It does not provide us with the criterion of defining social welfare. As society is divided into classes it identifies social welfare with the welfare of the dominant classes. Moreover, sometimes under the pretext of social welfare the rights of the individual are taken away and his individuality suppressed. The result is the revolt of those persons and classes whose rights are thus denied or suppressed.

Conclusion:

We have considered several theories of the nature of rights. None of them explains rights adequately, but each of them has an element of truth. The theory of natural rights and the idealist theory provide us with the necessary basis of personality and the worth of the individual on which rights must be founded. But the rights must be related to social welfare, if personality is to develop properly. Rights exist in society and for its common good. This aspect of rights is emphasised by the social welfare theory. This theory shows us that rights must be historical, that is, they must be found necessary in the given conditions of time and place as shown by the history of the people in question. Lastly, the legal theory emphasises that moral, historical or functional aspects alone will not turn a claim into a right until and unless it is not recognised by the State and embodied in and enforced by law. If not, they are only moral rights, but not legal.

CLASSIFICATION OF RIGHTS.

Rights are, broadly, divided into moral and legal rights. The legal rights are further divided into civil and political rights.

Moral Rights.

A claim which is recognised by the moral sense of the people and backed by their opinion is called a moral right. Moral rights are based on our sense of morality or justice. They cover our whole conduct and refer to all those actions and forbearances which is our moral duty to perform and avoid. For instance, it is a moral right of an aged father to be maintained by his son, or of a wife to be kindly treated by her husband or of a man to be treated decently by others. A moral right differs from the legal right in respect of its enforcement. It is not enforced by law, that is, the State. A son cannot be forced by law to maintain his aged father if he neglects him or the husband cannot be forced to live with his wife if he does not or a man cannot be forced by law to be polite and decent towards others. Nevertheless, moral rights are the sources of legal rights. What is morally recognised by a people often becomes legally so.

Legal Rights.

A legal right is a privilege enjoyed by a citizen against other citizens, associations or government, recognised by the State and upheld by its authority and laws. If it is violated or interfered with, the courts protect it by punishing those who do so or by compelling them to fulfil their corresponding duties. Laws are the Statements of legal rights and duties, and the courts are their custodians the coercive power of the State is the sanction or guarantee of the rights. This is the basic difference between legal and moral rights. Legal rights are of two kinds, civil and political.

(i) Civil Rights. The rights which concern the life and property of the citizens are called civil rights. Without them civilised life is impossible. They provide opportunities to the citizens to seek happiness, and develop their personality. The content of civil rights varies with time and place. They are guaranteed against other individuals, associations and the government. They are the rights to life and property, freedom of speech, press, of association, of religion, the right to family relations, etc.

(ii) Political Rights. Political rights are those by which the citizens are able to participate in the formation of the government and in the administration of the State. These rights are not granted to the aliens. Even the citizens enjoy them fully in a democratic form of State. They consist of the right to vote, the right to hold a public office, the right to be elected, etc. They should not be denied on grounds of sex, race, religion, property, etc.

Relation between Civil and Political Rights.

It is not easy to draw a hard and fast line of demarcation between the civil and political rights. Some of the civil rights are definitely of political nature, e.g., the right of association, the freedom of speech, of press, etc. Moreover, civil and political rights are interrelated and interdependent. It is a lesson of civil rights as well. On the other hand, the exercise of political rights without civil right is meaningless. Without political rights, civil rights remain incomplete and precarious. Political rights are the guarantee of civil rights; and civil rights are the basis of political rights. A State which denies political rights will sooner or later also deny civil rights. Yet civil rights are prior to political rights and basic to human nature. "Take away political rights, and you still leave a man some rights; take away his civil rights, and you degrade him at a stroke to the level of a chattel or a beast."[45]

PARTICULAR RIGHTS

Particular Rights.

Particular rights are those rights of a citizen which he actually enjoys. They comprise many civil and political rights, but no two States recognise one and the same list of them. Those civil and political rights which are generally recognised by civilised States in modern times in actual practice are called **Particular Rights.** We here briefly describe the particular or individual rights of fundamental nature, which should be guaranteed by every State, although the States do not grant an identical list of them (For our convenience, they are enumerated under separate headings of civil and political rights).

I. Civil Rights.

1. *Right to life.*

It is the most fundamental of all rights. Without life, there shall be neither the individual, nor the society, nor the State. But life is meaningless if there is no guarantee for its safety and security. Hence the right to life means the protection of the life of the individual both within and outside the State. It means that he will not be killed or injured in any way. It also means the right of self-defence in case of a direct and immediate danger to the life of the individual. It implies, further, that a person cannot be fined or imprisoned except according to the due processes of law. It also means that the State will punish those who try to commit suicide. But the right to life is not absolute. The State can call upon its citizens to sacrifice their lives in order to defend the country in times of war or aggression.

2. *Right to Liberty and Free Movement.*

Every citizen has the right to move freely from one place to another in his own country and can even go elsewhere in the world. Freedom of movement gives every person a chance to choose his career or undertake work or business at any place which suits him best. "Mere life without movement would be meaningless and without the exercise of the human faculties it would not rise above the level of animals." The individual is given the right to liberty because he has something to contribute to the good of the society. Without this freedom, he or she becomes a slave. The right to freedom of movement and person means that no individual should be wrongfully detained, imprisoned or confined, except when he has committed an offence or violated some law of the land, as proved before a court. If a citizen is arbitrarily or unlawfully arrested or detained, he has the right to appeal to a court for his release by means of a writ of Habeas Corpus. If proved innocent, the court will order his release. Like the right to life, the right to liberty is also not absolute. In certain conditions", the State can impose restrictions on the free movement of its citizens, such as in times of war or national emergency.

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[45] John Macunn. *Ethics of Citizenship*, p.9.

3. *Right to Property.*

The right to property means the right to earn income or profits from land, shops, factories or other means of production. It implies the right to unhampered use of one's income and wealth, land and goods, the right to destroy or sell them, or alienate them, the right to exchange them and the right to bequeath them. In modern times, this right has been subjected to much criticism. Communists and to a lesser extent many types of socialists have opposed it. They assert that this right creates inequality, encourages indolence, parasitism and exploitation of man by man. On the other hand, the advocates of private property assert that it creates incentive to work, engenders such virtues as generosity, because there are poor persons to give alms and charity, and also love of one's family, patriotism, etc. It develops personality because it causes struggle for existence which results in the survival of the fittest. But its opponents point out that it creates such moral vices as selfishness, greed, private gain and stunts the character and personality of the poor. The right to property is also not an unlimited right. Every State imposes certain restrictions on its enjoyment. For instance, in times of emergency or national need, the State can confiscate the private property of its citizens. It also interferes with property rights by such powers as the eminent domain, and in emergencies by martial law.

4. *Freedom of Religion and Conscience.*

It means that every one should be free to profess and practise any religion he likes. Though this right was not recognised in earlier ages, yet all civilised States recognise it in modern times.

5. *The Right to Education.*

Education is, besides other reasons, very necessary for active and intelligent citizenship. Its importance is particularly great in a democracy, because the masses of citizens elect their rulers. Hence it is said, "Let us educate our masses." The ancient Greek writer, Antephon said, "First of all things, I place education." Laski accepts this view because citizenship, says Laski, is the "contribution of one's instructed judgement to the public good." An illiterate person cannot develop his personality to the full nor articulate his experience and express his opinion on matters of national or political importance. Hence many modern States have recognised the right to education, particularly the right to free, compulsory education up to matriculation.

6. ***Right to Work.***

This right is implicit in the right to life. If a society fails to provide its citizens such opportunities for work as would enable them to earn a decent income, it would deprive them of the means to live. Hence it is now increasingly recognised that the modern State must guarantee the right to work, to its citizens.

7. ***Freedom of Speech, Opinion, Press or Publications.***

These rights are also one of the most fundamental rights of modern life. They are the basic rights of a democracy. They are essential to the individual's liberty, social, moral and political. The freedom of speech, expression of opinion by word of mouth or by printed word is the basis of democratic freedom. This freedom means that a citizen should have the right to think freely, and express his opinion freely without any interference by the government. It means the absence of all powers of censorship in the hands of the government. We know that citizenship means the contribution of one's instructive judgement to the common good. But the citizen can make this contribution only when he is free to express his opinion.[46] Democracy is government guided and controlled by public opinion. But public opinion can come into being only when every citizen is free to express his or her opinion on general subjects and on all matters of public importance. Like other rights, however, this freedom too is not absolute. Certain limitations are imposed on it. Law imposes restrictions on making such Statements that are libellous or slanderous, or on printing such matters as are obscene. Libel or slander means to make false and malicious Statements against an official or any other citizen, thus defaming him without any basis in truth. In war times, this right is still further restricted. At such times, censorship and even pre-censorship are imposed on all types of publications, such as newspapers, magazines, books, etc. and also on speeches.

8. ***Freedom of Association.***

This freedom goes hand in hand with the freedom of opinion and press. It means the right to form any kind of association for such purpose as religious, social, political, scientific, commercial or cultural and literary. Mere freedom of opinion will not be enough in the long run, if the citizens are not free to associate with like-minded citizens. This right also means the right to form peaceful assemblies, to take out processions, etc. The concrete example of this freedom is the formation of political parties, which must be free to work. But this right is also not absolute. Only such associations and organisations can be formed which serve legal ends; and they must be formed and operated in a peaceful and constitutional manner. Illegal or violent assemblies which disturb peace and order are prohibited by law. Nevertheless, the rights of freedom of opinion and of association are the two most important rights of modern democratic States. They are, moreover, the rights which are on the borderline between the civil and political rights.

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[46] **"The only freedom of speech worth having is the freedom to speak things that run wholly counter to the spirit of the time."**

9. ***The Right to contract.***

A contract is an agreement between two persons or parties, imposing obligations on each other for reciprocal advantages, called considerations in the language of law. The contract must be honestly executed, otherwise economic life and enterprise would be disrupted. Hence the State grants the freedom and right of contract. But, like other civil freedoms, the freedom of contract is also not an unlimited right. The State forbids such contracts which are immoral or dangerous to the security of the State. The Individualists of the 19th century believed the freedom of contract to be unlimited. This led to misery and injustice to the working classes. The State now assumes the duty of regulating the freedom of contract so as to protect the interests of the weaker party, e.g., the workers *viz-a-viz* their employers, or servants *viz-a-viz* their masters.

10. ***Right to Family Life.***

Family is mainly a private affair of the members of a family group. Law grants several family rights, as the right to marry without any legal restrictions in the choice of one's partner, the right to divorce and the right of wife to be maintained by her husband and of the children by their parents, the right of inheritance, etc. In this way the State regulates family life. The institutions of marriage and family are so essential for the happiness of the individuals, young or old, men or women, children and adults, and also for the social and economic relationships and progress, that the State must carefully regulate and safeguard them. It is, moreover, essential for modern life and progress that the family life should be so regulated as to provide liberty and equality to women with men. It means the State should prohibit polygamy and institute monogamy so that unequal relations may not prevail in family life.

11. ***Right to Equality before Law.***

It is derived from the right to justice. It means that all citizens, regardless of differences of wealth, social position, etc, should be equally protected by law.

II. Political Rights.

1. ***Right to vote.***

It is one of the most important rights, especially in modern democratic States. The right to vote means that every adult citizen has the right to express his opinion as to who should be his/her representative to run the government by casting a vote in his/her favour at the time of election. It should be given on the basis of "one man, one vote." It should be given to all adult citizens. But some States do not grant it to the whole adult population on grounds of education, sex, colour or the like. Such distinctions are undemocratic.

2. *Right of election to the legislature.*

This right is the complement of the right to vote. It is not enough that a citizen should have only the right to vote: he must also have the right to be elected to the law-making body of the State, by standing as a candidate to its membership at the time of election.

3. *Right to public office.*

Every citizen has the right to hold or to be appointed to any public office in the State, provided he/she has requisite qualifications for it. It means that the poorest man/woman can hold the highest office in the country. This right presumes that there is full equality of opportunity for all citizens in respect of public offices, regardless of their income, social status, colour, race, religion, caste or sex.

4. *Other political rights.*

Modern States also grant a few other political rights, such as the right to petition in order to place the citizens' grievances before the government, the right to be protected when abroad by his own government, etc.

Distinction between rights and 'liberties'.

Rights are those liberties or freedoms which are recognised and enforced by the State. In other words, rights are legally protected liberties. But still a distinction is sometimes made between rights and liberties. A right is a claim, while a liberty is a condition. Every right imposes a corresponding duty or obligation on others, but liberty is something that presupposes only non-interference on the part of others. It presumes only a negative duty of not interfering in the enjoyment of liberty. For instance, I have a right to possess my book, but I have a liberty to read it or not. Every person has a duty not to deprive me of my right to it by taking it away but my liberty to read it does not impose a duty on others to compel me to read it. Similarly, the right to freedom of press is a liberty of the citizens to read Newspapers. There is no duty imposed on them to do so. They may or may not read the newspapers, while others should not interfere in their rights or liberty. Moreover, a right imposes a duty on the government to set up certain institutions to protect its enjoyment. It extends governmental action. For example, the right to property or life requires the State to establish courts, police, etc. Liberties, on the other hand, do not extend but restrict governmental action. Freedom of the press means that the government does not interfere in the publication and circulation of newspapers and books. Every Bill of Rights contains liberties as well as rights, as for instance the right to property, to free movement, right to education, work etc., as well as while freedom of religion, freedom of speech, press, or freedom of association, are liberties. Nevertheless, the demand for rights is really a demand both for rights and liberties.

Changing content of rights.

We have enumerated above a fairly long list of civil and political rights which are generally recognised by civilised States. But it does not mean that they are always so recognised by all States uniformly. Really they vary from State to State and from age to age. It is, indeed, impossible to compile a permanent and unchanging catalogue of particular rights of the citizens for all States and for all times. Reasons are several. First of all, every particular right has a changing content which varies from age to age and place to place. Take, for instance, the right to property. The Individualists of the 19th century interpreted it in absolute terms, but in the present century it is limited in several ways. Right to private property in the means of production was once completely denied in the communist States. Laski has aptly remarked that a "right, as the State recognises, is not a static thing, but is made and remade in the crucible of experience" Secondly, rights as a whole are historically determined. They are not static but dynamic. They vary with the conditions and needs of the people. They are demanded by the character of a given society, its political culture and the level of its civilisation. Hence what is considered as a fundamental or natural right at one time may not be so regarded at another time. Thirdly, the individual rights vary because they must also be in harmony with the interests of the groups and associations, to which the individual belongs, and of the community, the State and of the whole mankind. Our theory of rights must be consistent with the widening circle of interests and needs of the modern life. No individual can enjoy his rights in a vacuum or in isolation from other human beings. Lastly, rights must be related to social ideals. But ideals are constantly changing. Rights which are actually recognised in the past may become inadequate, obsolete or outworn, because the ideals of life and happiness have changed since then. Every age has its own ideals; hence it must have its own set of rights. "Any given State," observes Laski, "is set between rights that have been recognised and rights which demand recognition." Rights are, therefore, constantly changing because of the changes in human needs, demands and ideals. Rights are relative and not absolute. But this creates a danger. If rights are constantly changing, is it not likely that a State may at any time deny them to its citizens altogether? Are there basic or fundamental rights? If so, what are they? These questions we shall consider next.

FUNDAMENTAL RIGHTS

Concept of Fundamental Rights.

The contents of rights change with time and place. In modern democracy, which is necessarily a representative government, ruled by a majority party, there is a serious danger to individual rights. The rights of the individuals or of minorities may be invaded or denied by the ruling majority by changing the existing laws. This needs a special need to protect rights. From such needs arises the idea of Fundamental Rights in modern times. Fundamental Rights are those basic rights of the individual which are regarded as fundamental to his very existence. They are the rights to life, liberty and property, rights to freedom of speech, opinion, press and the freedom of worship, etc. They are incorporated into the written constitution of a country as a Bill of Rights. Fundamental Rights are available to an individual both against other individuals and *against the government itself.* They are granted to him even against the executive and legislative powers of the government. In a democratic government, the legislative majority can invade the rights of the- minorities by making new laws or amending the old ones which contravene the provisions of the constitution. They are thus granted constitutional sanctity and sanction. As we know, a written constitution is difficult to amend or change. These rights are thus placed above political controversies of the majority and minority parties in the legislature. Thus they are assured to the citizens. Moreover, Fundamental Rights are further secured *by making them justifiable before* the law-courts, especially the highest court in the country. The judges are made the guardians of the constitution. Whenever a Fundamental Right is violated by the legislative or executive authority of the government, the aggrieved party or individual can seek the protection of the courts and can have the contravening law declared *ultra vires* by it and, therefore, null and void.

Difference between Fundamental and Natural Rights.

The basic difference between the concept of Fundamental Rights and that of the Natural Rights is regarding their origin. Fundamental Rights are created by the State and guaranteed by its constitution. They exist in the State because of it. But Natural Rights are believed to have existed before the State came into being. They are prior to it. Fundamental rights lie at the very foundation of human existence, while the Natural Rights lie in the nature of man or of the universe. Secondly, Fundamental Rights are sanctioned by the State through its judicial 'organ, while the Natural Rights are enforced by the nature, which really means they are not enforced at all. Thirdly, although both the theories of Fundamental and Natural Rights consider these rights as inalienable and inherent in man, but the theory of Natural Rights upholds them even against the State, which cannot limit or deny them. Fundamental Rights cannot, however, be claimed against the

State but only against the government. Moreover, in times of national crises, like war, their enforcement and availability against the government can be temporarily suspended.

Importance of Fundamental Rights:

The importance of Fundamental Rights is, indeed, very great. Historically, they arise from a persistent belief that the State ought to guarantee to the individuals the enjoyment of a certain basic human rights, which constitute the essential conditions of good life and happiness. Hence they are guaranteed by the constitution and protected by the judiciary. No doubt, constitutional safeguards may not, in the last resort, guarantee the citizens or a section of them their Fundamental rights, e.g., the Muslims in India do not enjoy them. In spite of this they are the most enforceable rights of man. They are a visible manifestation of the nation's faith in the worth and value of man, in his life, liberty and happiness. Further, they declare that a certain sphere of individual's life is free from governmental interference. Lastly, the declaration of Fundamental Rights of the minorities creates a sense of security in the minds of these minorities. The national solidarity, unity and progress of such countries depend upon the peace of mind, loyalty, and happiness of their minorities. By granting to the minorities, the fundamental and constitutional rights of religion, culture, language, etc., the national aims of unity and loyalty in a State are achieved best.

THE STATE AND THE RIGHTS

We now discuss the relation between the rights and the political authority or the State. It is said that rights and duties are the products of political authority, and that the rights are the creation of the State. On the other hand, it is asserted by other political writers that rights are not created but recognised by the State and that rights are prior to the State and exist before its recognition. These contradictory views have a long history behind them. They are the result of controversies among political thinkers over the Natural Rights. The Social Contract theorists asserted that man possessed certain rights before the civil society or State came into being. These are his natural rights which he enjoyed in the State of nature. The critics of the theory of Natural Rights deny the existence of rights in a pre-political condition of human life. They assert that rights in the imaginary State of Nature were mere powers. So there were no rights at all in the pre-political life. Rights came into being only when there was a civil society or State to protect and enforce them. Only those claims or powers of an individual become his rights which the State guarantees to protect and enforce. But the State assumes this guarantee only when it believes that the exercise of these powers or the realisation of such claims will promote the welfare and good of the whole society. The State creates rights, firstly, for the reason that it represents the consciousness of common interest of all its citizens. Without this common consciousness, rights would remain mere powers. Secondly, the State co-ordinates the conflicting claims of various individuals. It represents the collective interest of the community, which is superior to the interest of one individual. The State recognises only such a claim as a right which embodies the common interest of the whole society. Thirdly, the State creates right by formulating and enforcing them. This is done by means of laws and courts. These are the conditions which ensure rights. It is for this reason that the rights are declared to be the creation of the State.

"Rights are prior to the State."

To say that rights are the creation of the State does not mean that they are its creatures. Some of the critics of the theory of Natural Rights and Social Contract went to the other extreme. They asserted that rights are made by the State alone. This is the opinion of the Idealists also. But such a view cannot provide an adequate political philosophy. It fails to understand the real nature of rights and the purpose for which they are recognised by the State. Rights are those conditions of social life which enable a man to be his best self. Now the idea of the best self or of the common good is not created by the State. On the contrary, the State was created to protect and uphold the common good. Therefore, whether the State recognises or fails to recognise the common good, the rights would remain necessary. The validity of the State is derived from this recognition. The State is known by the rights it maintains. The State exists to safeguard and guarantee the rights. It is in this sense that rights are prior to the State.

How the State safeguards the rights:

Rights are mere claims till they are defined and recognised by the State. State, as the co-ordinating authority in the society, formulates rights and duties in the form of laws. But the citizens will obey laws only when political authority or State has formulated and published them in definite laws. Mere formulation is not enough. The State must uphold an individual's rights and enforce duties regarding them by means of its coercive authority. It performs this important function by means of the courts and its administrative agencies, e.g., police. It settles disputes regarding rights and duties. It punishes those who do not fulfil their obligations or obstruct others in the enjoyment of their rights.

Can the individuals have rights against the State?

Rights are the guarantees of the moral development of the individual. They are those necessary social conditions in which alone a man or a woman can realise his or her best self. But the rights are defined, co-ordinated and maintained by the State. Rights can only be possible in the State, which protects and ensures them by its laws. To accept the view that the individual can have rights against the State means that he can disobey the laws. But this would create anarchy and disorder. Now, if there is anarchy or social disorder, the very conditions, which would enable the individual to develop morally and be his best self, would be destroyed. In other words, to say that an individual can have rights against the State is to destroy the very basis of rights. Hence he cannot have rights against the State.

But we must here make a distinction between the State and the government, especially in a democracy. The government is a machinery of the State. If a government fails in its duty, there is no justification for it to continue. If it does not enable the individuals to develop morally, it can be changed and a new government can be elected in its place. In a democracy, the constitution provides constitutional means, such as elections, etc., to substitute one government by another. The citizens have a right on moral ground to change such a government, which denies them moral conditions of development and progress.

DUTIES

What is a Duty?

A duty is an obligation to do or not to do something for the sake of others. It is something we owe to others as social beings. As we have to live together in the society, we are bound to do something or refrain from doing something for the good of others or for the sake of their happiness and welfare. Duties imply do's or don'ts. Citizenship is more concerned with duties than with rights of the individual, because citizenship is the realization of the truth that, as members of a community, we share together all the benefits and advantages of social life and common good. He or she who is conscious of the common good and performs his or her duties regarding it is a good citizen.

Relation between Rights and Duties.

It is a popular but a mistaken idea that rights and duties are unrelated, that the two are independent of each other, that an individual can enjoy rights without performing duties, and that a man may be burdened with duties without possessing any rights. Such ideas are quite wrong and fallacious. Rights and duties are so much interdependent that they might be regarded as the two sides of one and the same coin.

Firstly, rights imply duties. Where there is a right, there is a duty as well. Rights and duties are two ends of the social relation between two or more individuals. When I claim that I have a right to something, I also impose a duty on all other persons to enable me to enjoy this right. They are bound by a duty not to interfere in or deprive me of the enjoyment of my right, for example, to my house. Thus there is a relation between me and all other individuals through the house or book, etc., one end of which is my right and the other end is the duty of others. My right is your duty, and your right is my duty. Every right implies a corresponding duty or obligation. If other persons do not accept their duty, my right will at once vanish altogether. Thus rights and duties go together. There can be no right without a corresponding duty or duty without a corresponding right, any more than there can be a husband without a wife, or a father without a child.'

Rights imply duties in still another sense. A right is something for one's own benefit; and a duty is to do something for the benefit of others. I cannot claim something for my own good without being equally ready to do some other thing for the good of others. When I claim that I have a right to live in my house, I have also the duty to let others live in the same manner in their houses. A society, in which one man claims rights but has no duties, is a society of masters and slaves and not of moral beings. It is not a society at all but an organised oppression. This is another reason why rights and duties go together. Hence, my rights imply my duties. *"Do unto others as you wish to be (done by"* is the primary and basic rule of society and morality. I can enjoy my rights only if I respect the rights of others. If I want to develop my personality, I must enable others also to do the same.

Furthermore, rights and duties are correlative. This correlation is through functions. A right is claimed to do or enjoy some thing which is a socially useful or necessary function. Every right has a function attached to it. Mere enjoyment of a right without the performance of the function attached to it is an empty claim and an anti-social behaviour. When a person has enjoyed a right, he has the duty to perform its function also. For instance, every citizen has a right to education. But when he has acquired education or training, he must be ready to contribute his share to the social good for which he has educated or trained himself. This is his duty. State or society has given me my rights so that I may contribute my share or fulfil my duty towards the common good. Otherwise I have no right to enjoy my right. That is the reason why Laski says, "He that will not perform functions cannot enjoy rights any more than he who will not work ought to enjoy bread."

Kinds of duties.

Like rights, duties are also classified as moral and legal duties. A moral duty is one which an individual should perform on moral grounds. It is enjoined by conscience or social opinion. A legal duty is one which is imposed by law and enforced by the coercive power of the State. To respect one's parents or one's elders, to show kindness to the poor, the distressed, etc, are moral duties. One cannot be punished by law if he does not fulfil them. Legal duties are to pay taxes to the government, not to injure other persons or property, etc. If a man does not perform them, the State will compel him to do so by means of punishment imposed by law.

Duties of citizen towards the State.

If a State is known by the rights it maintains, a citizen is judged by the duties he fulfils. He has duties towards other citizens, associations and the State. We shall here enumerate some of his duties and obligations towards the State.

1. Obedience of law.

The most important duty of the citizen is to obey the laws of the State. It is the hall-mark of good citizenship. A good citizen obeys a law even if he believes it to be against the common good or oppressive or bad. He must not disobey it, because such an act would destroy the basis of good government, peace and progress. Disobedience of laws is like a contagious disease: it spreads from citizen to citizen and from law to law. Hence to disobey a law because it is bad is-"a political mistake and a public calamity. A citizen has however constitutional and peaceful means of persuading his fellow-citizens of the desirability of changing the laws which he believes to be morally bad or oppressive. In a democratic State he can bring about this change by electing new representatives to the legislature.

2. Allegiance to the State.

Another supreme duty of the citizen is the allegiance or loyalty to the State to which he belongs. Allegiance means whole-hearted service to the State. The duty of allegiance implies the duty to defend the State against its enemies in times of war, aggression and rebellion, to support the officials of the State in the performance of their duties, and to perform public duties. In short, allegiance means loyalty public service and subordination of the personal interests to the national interests. Concrete examples of allegiance are the readiness of the citizens to co-operate with the police in maintaining law and order, to uphold their country's honour, to make it strong and prosperous, to educate their children, and to obey its laws.

3. Payment of taxes.

Payment of taxes in time is another duty of the citizens. Government needs money to perform its multifarious functions and finance its increasing number of activities. But this money must come from the pockets of the people. If they evade the payment of taxes, the government will fail to maintain law and order and discharge its responsibilities. Modern State is 'Public Services State.' The more funds it has the more services it can render to the people. Hence prompt and honest payment of the taxes by the citizens is the best guarantee of promoting common good and general welfare of the nation.

4. Duty to vote.

Every democratic State has granted the right to its citizens to vote. But it is no less a duty than right. The form and functions of a government are determined by the votes of the people. The people should cast their votes honestly, intelligently and conscientiously in order to elect good representatives. Hence voting is a duty.

Duties of the State.

Just as the citizens have duties towards the State, so the State also has duties towards the citizens. The only difference between the two is that the duties of the citizens are enforceable by law, while those of the State are not so enforceable. Nevertheless, no democratic State which cares for the well-being and happiness of the people can fail to fulfil its duties. In modern times, the number and importance of its duties are multiplying because modern State has become a public service State or a welfare State. The duties of the State are economic, educational, cultural, and social in nature. It seeks to promote national well-being to the highest degree, secure equality and justice for all its citizens, provide free and universal education for all, maintain libraries, museums, etc., prevent sickness and poverty, and adopt social security schemes against old age, unemployment etc. The duties and ideals of State-action are so important that these have been incorporated in the constitution by the several States as, 'Directive Principles of the State Policy'; Pakistan has too made similar provisions in the constitution.

Chapter 22

Fundamental Rights in Islam: Rights of Non-Muslims in Islamic State

Islam is a complete code of life: it covers all walks of human life and society, politics and State. It provides a perfect charter of fundamental human rights. They may be divided into two categories, as under:

1. Fundamental Human Rights and
2. Rights of Non-Muslims in the Islamic State.

Before we may consider these rights separately, it should be mentioned that the two categories of rights in Islam are derived from the Holy Quran, the traditions *or Ahadith* of the Holy Prophetﷺ and the examples of the four Pious Caliphs, who strictly followed the teachings of the Quran and the Sunnah of the Holy Prophetﷺ. These are the only sources of rights in Islam. Secondly, rights and duties in Islam go together. Every human right in Islam has its corresponding duty or responsibility. Thirdly, rights of man *(Haqooq al-Abad)* are in some respects more important than the rights of God *(Haqooq Allah),* which is a clear proof that in Islam fundamental human rights are of immense importance.

Charter of Fundamental Human Rights, proclaimed by the Holy Prophet in his Farewell Sermon:

On his last pilgrimage the Holy Prophetﷺ delivered his Farewell Sermon, which, by all fundamentals and disciplines of Statehood makes the linchpin of the Fundamental Human Rights in Islam. He said:

"O people! Listen to my words, for I do not know whether I shall ever meet you in this place again after this year.

Right to Sanctity of Life and Property:

"Your blood and your property are as sacred as are this Day and this Month (9th Dhu'l Hijja). You will surely meet your Lord and He will ask you of your works. I have told you. He who is entrusted with property belonging to another should deliver his trust to whom it belongs."

Right to Inheritance:

"God has ordained to every man the share of his inheritance: a testament is not lawful to the prejudice of heirs. The child belongs to his parents: and the violator of wedlock shall be stoned."

Riba abolished:

"All riba (interest) is abolished, but you have your right to capital. Wrong not and you shall not be wronged. God has decided that there is no riba (interest). And all riba due to Abbas bin Abdul Muttalib (Prophet's uncle) is cancelled."

Right to Life safeguarded:

"All blood shed in the Days of Ignorance is to be left unavenged. The first claim on blood I abolish is that of Rabia ibn Harith ibn Abdul Muttalib. It is the first blood shed in the Days of Ignorance (Jahiliya) which I deal with."

Rights of Wives protected:

"O my people! You have rights over your wives and they have rights over you. You have the right that they should not defile your bed and that they should not behave immodestly. If they are guilty, God allows you to avoid intercourse with them and beat them without causing serious injury. But if they repent, you must feed and clothe them with kindness. Instruct and order your women kindly, for they are prisoners with you; they have no control over anything by themselves. You have taken them only as a trust from God and they have been made lawful to you by the Word of God."

Right to Equality and Brotherhood of Muslims:

"O People! Listen to what I say and take it to heart. You must know that every Muslim is the brother of another Muslim and that all Muslims are brethren. All of you are as equal as the fingers of a hand. It is not lawful for any man to take anything of his brother's, except what is given with one's own free will. Therefore do not do injustice to one another."

Equality of All Races proclaimed:

"The Arabs are not superior to the Ajamis (non-Arabs), or the Ajamis to the Arabs."

Right of the Slaves to kind treatment:

"Your slaves; See that you feed them with such food as you eat yourselves, and clothe them with the stuff you wear; and if they commit a fault which you are not inclined to forgive, then part from them, for they are the servants of the Lord, and are not to be harshly treated."

Fundamental Human Rights in Islam.

We shall now enumerate the fundamental human rights as guaranteed by Islam. They are available to all the people, Muslims or non-Muslims, living in the Islamic State. They are as follows:

1. **Right to Life:**

Islam ensures the right of every being to life and freedom from injury,' and the right of retaliation or self-defence. The Quran, in *Surah Beni*

Israel, says that, Allah has forbidden the killing of any living being. Again Allah says in *Surah al-, Mâ'idah,* "Excepting, in retaliation or in preventing whoever saves a life has, indeed, saved the life of the whole mankind."

In Surah an-Nisa, Allah says: "Do not commit suicide." Again He says "Whoever has knowingly killed a *momin* (pious Muslim), will be punished with hell-fire for ever."

2. Right to property:

Islam has guaranteed right to property to all human beings, provided it is earned in a lawful way. The Quran says: "Man will get what he has striven for." It means that one will have what he has earned by his labour. Moreover, a Muslim cannot possess wealth more than his rightful needs and he should also pay *zakat* for what he possesses in excess of his needs. Furthermore, Islam forbids a man to spend his wealth in evil ways or on what is *haraam* (forbidden) in Islam. ..

3. Right of Inheritance:

Islam recognises the right of inheritance in accordance with the prescriptions of the Quran.

4. Right to personal freedom:

In Islam personal freedom is guaranteed: no one can be punished or imprisoned without evidence of two and in some cases of four witnesses. The Holy Prophetﷺ never punished a person on mere accusation: it must be supported by evidence.

5. Freedom of Opinion:

Islam lays particular emphasis on freedom of opinion, and criticism. The Quran says, "When you say something, say it with justice, even though it may be about your relatives" *(Al-An'âm:152)* Addressing the Muslims, the Quran says, "You are the best of the Ummah, who are sent to guide and reform the world; you command what is good and to prevent what is *bad*."*(Surah Āl-'Imran: 110)* Again the Quran says, 'if you favoured anyone or you tried to conceal truth and then remember that God knows everything." (3:135)

6. Freedom of Conscience and religion:

The Quran says, 'There is no compulsion in religion". *(Surah al-Baqarah: 256)* Again it says, "Will you compel people to make them momin (a believer in God)". *(Surah Yunus: 99)*

Islam also teaches tolerance of other faiths and religions. In *Surah Al-Kâfirûn,* the Quran commands: "For you your religion and for me my religion." Again it says to the Muslims, "The people, who worship other than God, do not curse them". *(Surah Al-An'âm: 108)*

7. Right to Equality:

Islam declares again and again that all Muslims are equal brothers to each other. The Quran says, "All Muslims are brothers." Again it says, "ALL MANKIND were once one single community; [then they began to differ-] whereupon God raised up the prophets as heralds of glad tidings and as warners." (2:213) Moreover, Islam has also declared men and women as equal in their rights and duties.

Duties:

Along with rights, Islam has laid equal emphasis on the performance of duties. Some of them are as follows:

1. **Duty of Obedience:**

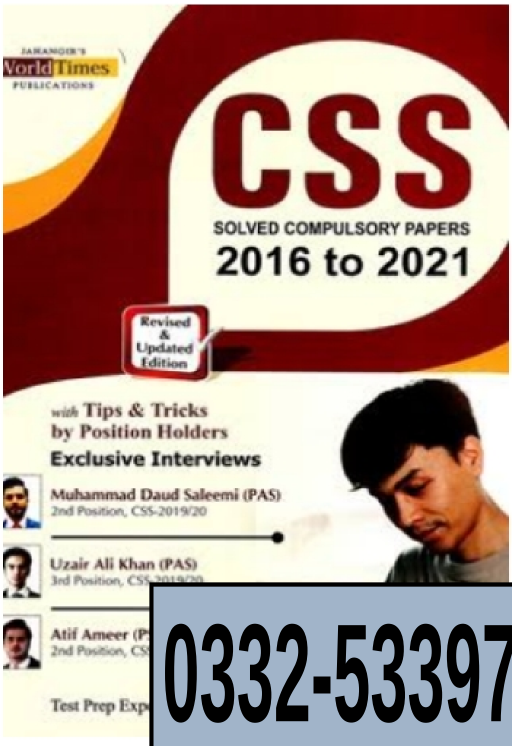
Islam, which is a religion of submission and obedience, commands the Muslims to obey Allah, the Messenger and the Ameer. The Quran says, "O, ye who believe, obey Allah and obey the Messenger and those of you who are in authority *(amr)*; and if you have a dispute concerning any matter refer it to Allah and the Messenger if you are (in truth) believers in Allah and the Last Day. That is better and more seemly in the end." (4:58)

2. **Payment of Zakat**

Payment of *zakat* (tax for aiding and helping the poor) is as compulsory in Islam as offering prayers. Moreover, Islam also emphasizes the payment of alms, charity and *sadqaat* to the poor and the needy. It is against concentration of wealth in the hands of the few wealthy persons. Instead, it is in favour of constant circulation of wealth among the people, so that there may be a fair degree of equality in all the necessaries of life and happiness. As we have said above, the Quran calls upon the Muslims to give away in the name of Allah all that is in excess of their needs. "And people ask you that what they should spend in the way of Allah? Say "That which is beyond your needs." *(Al-Baqarah:* 219) Again the Quran says: "Warn them of terrible death to the people who have accumulated gold and silver and have not spent them in the path of Allah, that the Day will come when this very gold and silver will be made red hot in the fires of Hell and then their heads and bodies will be burnt with them: this is the treasure which they have collected with which they will have the taste of their wealth." *(Surah at-Tauba:* 33-35).

3. **Cooperation and Mutual Aid:**

Islam commands the Muslims to cooperate with the government of the Islamic State by making sacrifice of their lives and property, so that it may defend them against their enemies and promote the interests of the Muslim *"Ummah"*. The Quran further says, "Righteousness is not in that you turn faces to the East and the West; but righteous is he who believes in Allah and the Last Day and the angels and the Scripture and the Prophets; and gives his wealth, for love of Him, to kinsfolk and to orphans and the needy and the wayfarer and those who ask and to set slaves free" (2:177)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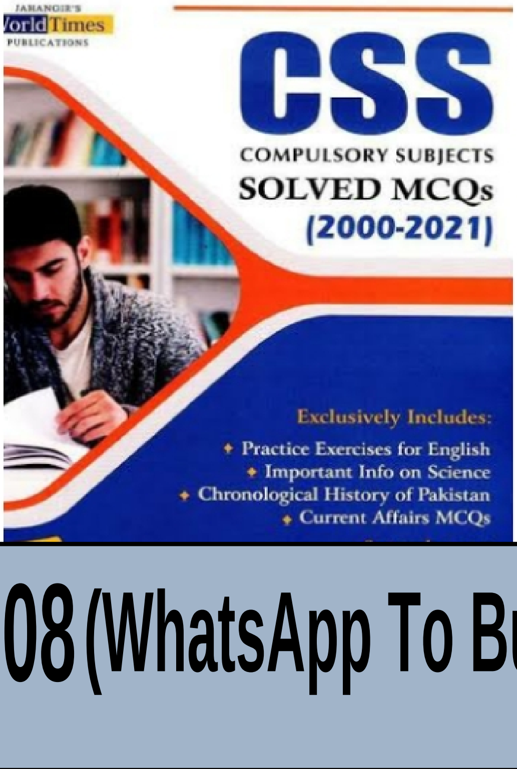
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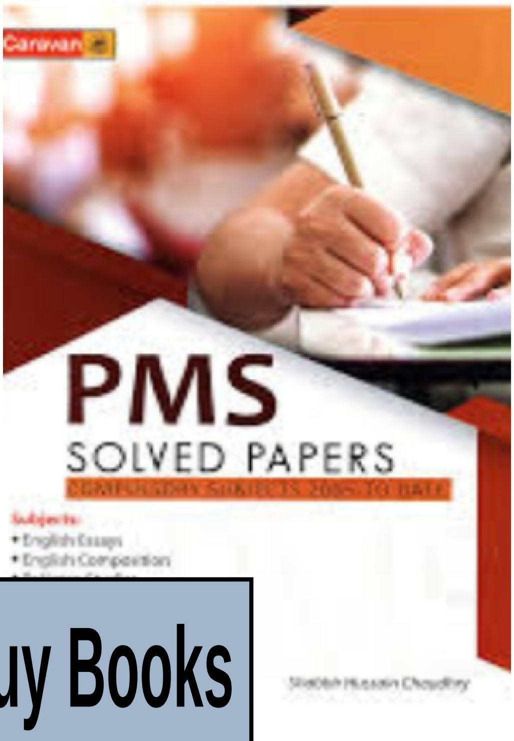
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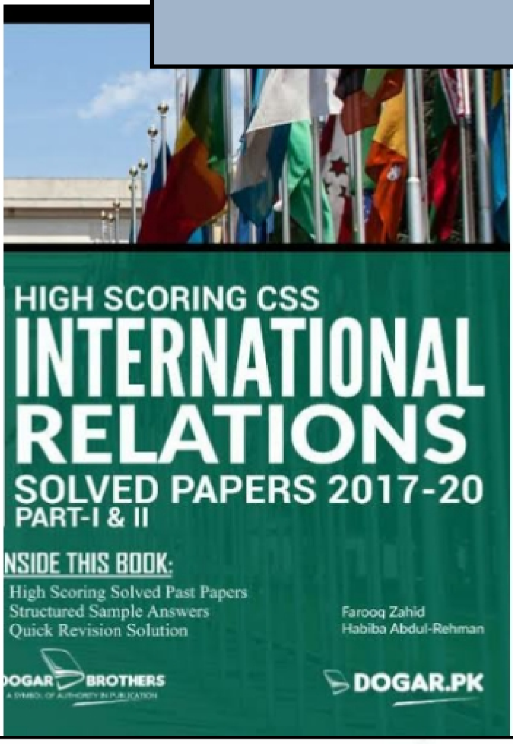
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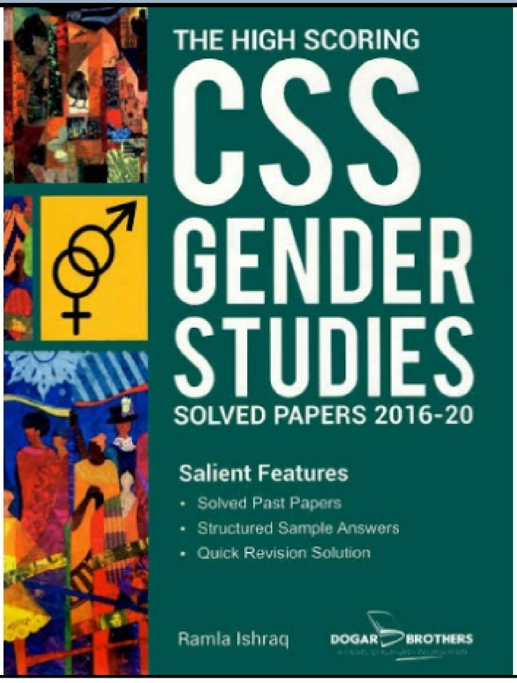
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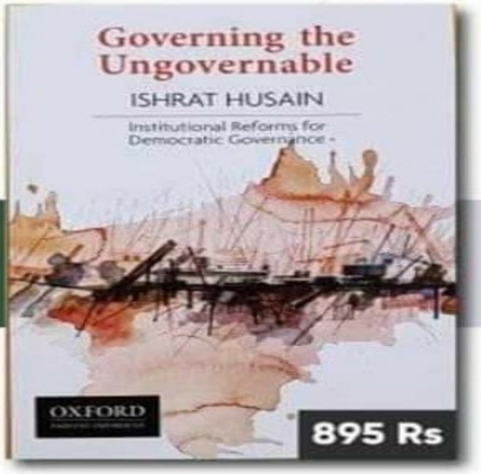

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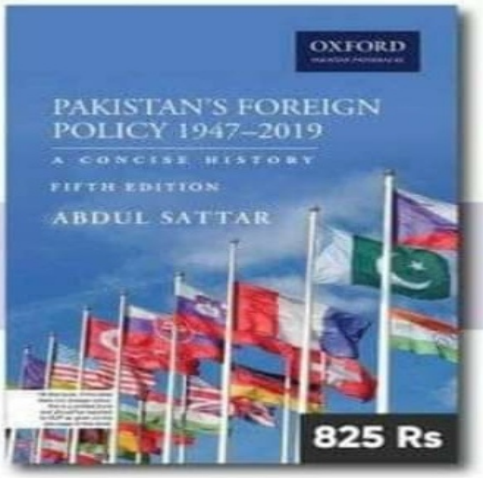

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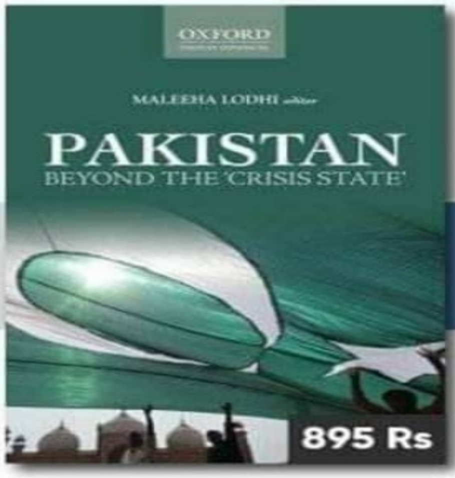

Pakistan Beyond The Crisis State

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Rights of the Non-Muslims in an Islamic State

Islam is a religion of tolerance. It has granted equal rights to the non-Muslims in the Islamic State, but without imposing equal duties on them. The reason is that Islamic State, unlike the modern national State, classifies citizens into two categories according to their religion or faith: Muslims and non-Muslims. Muslims have different kinds of rights and duties than those of the non-Muslims. The non-Muslims are known in Islamic Shariah as *Dhimmis* (Zimmis), whose protection is the responsibility or obligation *(dhimmah or zimmah)* of the Islamic State. As the Islamic State is an ideological State, its defence *(jihad)* is the duty of the Muslims only, while the non-Muslims are exempted from this duty. Hence their rights are also different from those of the Muslims. Under Islamic law *(Shariah)* there are three kinds of Zimmis:

(i) Those as have entered into a treaty or agreement with the Muslims at the time of their submission, which determine their rights and responsibilities: they are known as "contractees". A Hadith of the Holy Prophet ﷺ has enjoined: "If you fight a non-believing people and overpower them and they enter into a treaty with you, agreeing to pay annual tribute '*Kharaj*' in order to save their lives and properties, and of their progeny, then do not take a penny more than fixed amount, because it is not permissible." Again, "Whosoever is hard or cruel towards such people (i.e. "contractees") or curtail their rights or burdens them with more than they can endure or demands something from them against their free will, I shall myself be a complainant against him on the Day of Judgment."

(ii) Those non-Muslims who submitted to the Muslims after a defeat in the war. They are known as "Conquered". When they pay *jizya* or poll tax to the Islamic State, they too become "Zimmis" and their lives and properties are protected by it.

(iii) Those non-Muslims who have submitted to the Islamic State, though without any defeat in a war, nor by an agreement or treaty. But their submission is a proof that they have accepted its hegemony or supremacy. They too have to pay jizya or poll tax.

Nature of relationship between the Islamic State and its non-Muslim citizens:

Islam's attitude towards the non-Muslims is determined by the teachings of the Quran and Sunnah. The Quran declares: "There is no compulsion in matters of religion *(Deen)*". It further says in Surah 5, verse 48, that humanity will never follow one single creed, and therefore rituals and dogmas and modes of worship will continue to be different. From this arises the Islamic belief in the coexistence of different religions and rituals. Moreover, tolerance of the non-Muslim communities within the boundaries of the Islamic State has been its hallmark throughout the history of all Islamic kingdoms, and empires in the past ages and of the Islamic States in the modern times, even though some of them are of secular ideology today, like modern Turkey. Thus the non-Muslim communities in Islamic States have their own personal laws, except in such matters in which a non-Muslim personal law might sanction a cruel or inhuman custom, as for example the custom of *sati* or burning of Hindu widow on the pyre of her husband, which had been banned by the Muslim rulers of medieval India. Similarly, Islam condemns the inhuman practice of 'Untouchability'. We shall now describe the rights of the non-Muslims in the Islamic State. They are as follows:

1. **Right to life and Property:**

Islamic State recognises the right of its non-Muslim citizens to life and property. This can be illustrated by the charters which the Holy Prophetﷺ granted to the Jews of Medina and to the Christians of Najran. The first charter says:

'The Jews of Bani Auf shall be considered as a community along with the Muslims. The Muslims shall defend them against all aggressors. Their relations shall be based on good-will and mutual benefit. The allies of the Jews shall be treated as the allies of the Muslims and anyone oppressed irrespective of his creed shall be helped."

The charter granted to the Christians of Najran by the Holy Prophetﷺ declared:

"The Christian tribe of Najran shall be under the protection of God and His Prophet. Their life, property, their territory, is guaranteed to be respected and protected, and this protection shall extend to those persons present and to those not present, including their property and also to those under the protection of this tribe, whether they belong to the tribe or not."

Similarly, the second Caliph, Hazarat Umarؓ, also granted a charter of protection of life and property to the Christians of Elia (Old Jerusalem) after the conquest of Palestine by the Arabs:

This is the charter of security granted by Umar. The servant of God and Amir-ul-Momineen, to the citizens of Elia. Protection is guaranteed to their life, property, churches and crosses, to every citizen, healthy or sick. Their churches shall not be made places of residence for others, nor shall they be demolished or damaged. No injury shall be inflicted on their property, or their crosses. No religious pressure shall be put on them and no one shall be harassed."

The blood of a zimmi is regarded as sacred as that of a Muslim. In case a zimmi is killed or injured by a Muslim, the deceased's relatives have the right to treat the Muslim in the same manner.

2. **Freedom of Religion and Worship:**

The non-Muslims in an Islamic State have the same freedom of religion and worship in their own way, as have the Muslims. Use of force or pressure for the propagation of Islam is strongly prohibited by the Quran. Muslims are to present Islam to the non-Muslims in a humane and rational manner and by their good behaviour and manners. Says the Quran: "O Prophet, invite people to the way of the Lord with wisdom, with beautiful sermons and with decent, rational controversy" (16: 125). In religious controversies Muslims are forbidden to call names and pour invectives on their opponents' modes of worship or their objects of reverence. The Quran warns that by such abusive denunciation the Muslims will invite retaliation with similar weapons. It declares, "You have not been appointed as their supervisors and controller". (Surah ^{A}: verse 66) Again, "O Prophet! We know what these people say, you are not appointed to force them to believe." (50:45) Moreover, the Quran declares that basic truth of human existence is belief in One Supreme Being, and therefore, whoever believes in this fundamental truth and leads a virtuous life is a saved soul. "Surely those who believe (that is Muslims) and those who are Jews and the Christians and the Sabians, whoever believes in God and Last Day and does good, they shall have their reward from their Lord, and there is no fear for them, nor shall they grieve." (Surah 2:62) In short, Islam accepts the fact that people will differ in their religions and modes of worship and there will be no coercion to make them Conform to the Islamic faith. Tolerance is of the essence of Islam. Man is respected in Islam as man and religion is respected as religion without any discrimination of caste, creed, colour or race. Even false goods cannot be abused. "And abuse not those whom they call upon besides Allah, lest exceeding the limits they abuse Allah through ignorance. Thus to every people we have made their deeds fair-seeming; then to their Lord is their return, so He will inform them of what they did." (The Quran 6:109)

3. Exemption from Military Service:

Islamic State is an ideological State, whose defence is the religious duty of the Muslims. But the non-Muslims are exempted from military service, for they have no obligation to wage jihad for its defence. But if a non-Muslim voluntarily fights, for the defence of the Islamic State, he is entitled to the same privileges and rights as have the Muslims.

4. Payment of Jizya:

The non-Muslims are to pay jizya or poll-tax to the Islamic State in lieu of military service and also due to their exemption from the payment of zakat, which Muslims are obliged to pay. But the jizya is a much lower tax than zakat. Moreover, many classes of the Zimmis are exempted from this tax altogether, such as the poor, the priests, monks, widows, sick and old, etc. Once Hazarat Umar رضی اللہ عنہ saw an old zimmi begging in the streets. On inquiry, he was informed that he was doing so in order to collect enough money to pay jizya. The Caliph at once ordered that no jizya was to be collected from him: "By God, it is not just that a man who has paid jizya in his youth should be required to pay it when he has grown old and sick."

5. **Protection of Non-Muslim Places of Worship:**

The Islamic State has the responsibility to guarantee protection of the places of worship of its non-Muslim citizens. Muslims are duty-bound to protect their places of worship, whether they are synagogues, churches, temples, etc. The Holy Quran says: "And had there not been Allah's repelling some people by others, cloisters, and churches, and synagogues, and mosques in which Allah's name is much remembered, would have been pulled down." (22:40). It may be noted that in this verse Allah has enjoined the protection of mosque after that of the churches of the Christians, synagogues of the Jews and the temples of the pagans. Islamic States throughout history have always complied with this Quranic commandment. This was, indeed, the reason why in some Muslim countries the places of worship of the non-Muslims outnumbered the mosques, as for example, in the Mughal Empire in medieval India.

PART IV

FORMS OF THE MODERN STATE

Political Science needs to study two relationships of authority: that which exists between the political power and the whole of society; and that which exists between the political power and each subject. In the former case, society commands the political power; in the latter, the political power 'commands' each subject. The first is the State and the second the government.

(H.V. Wiseman.)

It is our way of using the words "democracy" and "democratic government" that brings about the greatest confusion. Unless these words are clearly defined and their definition agreed upon, people will live in an inextricable confusion of ideas, much to the advantage of demagogues and despots.

(Alexi de Tocqueville.)

The kind of soil that favours democracy is the soil that has been cultivated best.

(Giovanni Sartori)

Man's capacity for evil makes democracy necessary and man's capacity for good makes democracy possible.

(Rainhold Nirhuhr)

Chapter 23

Classification of States or Governments

Political writers' have always tried to classify States or governments into different kinds on the basis of the forms of their governments, nature of sovereignty or the philosophy or ideology of the States. We shall begin with the classification of States by the ancient Greek philosopher, Aristotle, because he made the first systematic attempt to do so.

Classification by Aristotle.

The starting-point of all attempts to classify the States into different kinds was the famous classification given by Aristotle in his book, *Politics*. But he was not the first to do so. He really followed his teacher, Plato and other Greek writers, like Herodotus. The original thing about Aristotle's classification was that he based it on two principles, namely:

1. The number of persons who exercise supreme power in the State; and
2. The ends for which the supreme power is exercised, which may be either for the good of the ruled or of the rulers.

The First Principle.

According to the first principle, there may be in a State either one ruler, or few or many. If there is one ruler, the State is a monarchy, if few rulers, it is an aristocracy, and if many, it is a 'polity'. Hence, basically, there are three kinds of States.

The Second Principle:

Aristotle further distinguished the three basic forms of States on the principle whether the sovereign power is exercised for the good of the ruled or of the rulers. According to Aristotle, a State is an association which exists for the good of its members. If its power is exercised for the good of the people, the ruled, the State is of a normal or good form. But if it is exercised for the benefit of the rulers, it is then a bad or perverted State, for it does not fulfil its real end. So, when monarchy becomes perverted, it becomes a tyranny, and when a polity is bad, it is what Aristotle calls a "democracy", which may be translated as a 'mob-rule or 'mobocracy'. The word 'democracy' was used by Aristotle in its original Greek sense as the rule of the 'demos' which, means the 'mob', or rabble. In short, he classified the States into six forms or kinds.[47]

Aristotle's classification of the States or governments may be summarized in tabular form as follows:

First Principle Second Principle	Rule of One	Rule of Few	Rule of Many
Normal or Good	Monarchy	Aristocracy	Policy
Perverted or Bad	Tyranny	Oligarchy	Democracy

Let us now define each of these *six* forms of States. A monarchy is a government by a king who rules for the good of the whole community. A tyranny is a perverted form of monarchy in which the one ruler uses his supreme authority for his own selfish ends or benefit. An aristocracy is the rule of the few good rulers who exercise supreme authority for the well-being of the people. When it becomes perverted, it becomes an oligarchy which is the selfish government of the few rich men in their own interests. A polity is a good form of the rule of the many for the good of all. Aristotle meant by it what we now call a constitutional democracy i.e., a government by the general body of the citizens as regulated by a constitution and laws. Its perverted form becomes what Aristotle calls "democracy" which is a lawless and selfish rule of the 'demos' or the mob. According to him, a 'democracy' is the rule of the poor who are many but lawless, just as an oligarchy is the rule of the few rich, who are selfish.

Aristotelian Cycle of Political Change.

Aristotelian classification is not merely a description of various forms of stales but also an explanation of how one form changes into another. The change continues till the original form re-emerges, thus completing one cycle of change, like the movement of a wheel. This is known as Aristotelian cycle or progression. It occurs in this manner. First of all, there is a monarchy or kingship, the rule of a good king.[48] In course of time, the kings become bad and oppressive tyrants. But the tyranny does not last long, for the people overthrow it under the leadership of a few good men, who establish an aristocracy. When the character and aims of the few rulers degenerate aristocracy becomes oligarchy. This time the citizens establish a constitutional rule of the many, which Aristotle called 'polity'. With the degeneration of the character of the citizens, they become a lawless mob. Thus polity degenerates into 'democracy', the rule of the mob. But this lawlessness and confusion too cannot last long. Sooner or later one strong man, e.g., a successful military leader, assumes supreme power and once again re-establishes monarchy or the rule of one. Thus the cycle of change or progression completed one full cycle and returned to its original form, but only to begin a new cycle of change.

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[47] 'It is evident that every form of government must contain a supreme power over the whole state, and this supreme power must necessarily be in the hands of one person, or a few or many. When they apply their powers for the common good, such states are well-governed: but when the interest of the one a few or the many that enjoy this power is the only concern then ill-governed. We usually call a state which is governed by one person for the common good, a monarchy: one that is governed by more than one but by a few only, an aristocracy, either because the government is in the hands of the most worthy citizens or because it is the best form for the state and its inhabitants. When the citizens at large govern for the public good, it is called a polity. Now the corruptions attending each of these governments are these: a kingdom may degenerate into a tyranny, an aristocracy into an oligarchy, and a polity into a democracy Now a tyranny is a monarchy where the good of one man only is the object of government, an oligarchy considers only the rich, and a democracy only the poor but none of them have a common good in view.' *The politics of Aristotle. Book III. Chap. VII. (Everyman's Library)* '.

Historical illustrations.

Aristotle's cycles of change is illustrated by the history of ancient States of his times, especially the Greek city-States. They were originally monarchies, which degenerated into tyrannies. The nobles or landlords overthrew the tyrannical kings and established aristocracies in various Greek city-States. When they degenerated into oligarchies, the citizens overthrew them and established 'polity' or constitutional rule, as illustrated by the city-State of Athens. It degenerated into mob rule which was in its turn overthrown by a warrior-statesman, as was shown by the rise of Philip and Alexander the Great of Macedon. History of Rome also illustrated this cycle. Modern history also illustrates this cycle of political changes to some extent. For example, before the French Revolution, France was ruled by kings whose government became perverted under Louis XV. The Revolution of 1789 overthrew French monarchy and established an aristocracy which lasted only two years and became a 'democratic' State under the Directory. Then came the reign of terror which ended with the rise of Napoleon Bonaparte, a successful military General and Statesman, who established an Imperial Monarchy. At last, the French monarchy was

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[48] To quote Aristotle: "The first governments were generally monarchies: because it was difficult to find a number of persons eminently virtuous, more particularly as the world was then divided into small communities: besides, kings were appointed in return for the benefits they had conferred on mankind: But such actions are peculiar to good men. When many persons equal in virtue appeared at the time, they brooked not a superiority (of a king), but sought after an equality and established a Free State or polity. The ruling class soon deteriorated and enriched themselves out of the public treasury; riches became the path to honour and so oligarchies naturally grew up. These passed into tyrannies and tyrannies into democracies: for love of gain in the ruling classes was always tending lo diminish their number and so to strengthen then the masses who in th [illegible] upon their masters and established democracies.* Politics of Aristotle. Book II.

overthrown by the constitutional Republic. But all these examples are mere approximations to the Aristotelian cycle of change. History has nowhere followed the exact pattern of succession or progression, as laid down by Aristotle.

Merits.

Aristotle's classification of States has some merits. In the first place, it is so precise and exact that it has fascinated and attracted the attention of political writers down to the present day. Secondly, he classified the States not only on the basis of their governmental structure but also on that of their ethical or moral spirit. He clearly showed that *a* good or normal State is one which is governed by good rulers. The character of the rulers determines the nature of the State; good rulers make good State and bad rulers, a bad State. Thirdly, he analysed the causes of political change and revolution. His chief aim was to suggest ways and means to prevent endless revolutions which occurred so frequently in the Greek city-States. He found two causes, viz., the deterioration of the character of the rulers and the influence of wealth, i.e., of the economic conditions on political life. He was the first great political writer who showed that politics is conditioned by economics or that wealth influences the political structure of the State to a great extent. He clearly said that oligarchy is a bad government of the rich, while his 'democracy' is a bad government of the poor. Lastly, being an empirical thinker, he illustrated his theory of political change or cyclic progression by the history of his times.

Defects.

In spite of its merits, Aristotelian classification has been subjected to severe criticism. In this connection the following objections have been taken to it:

(i) ***Aristotelian classification is unscientific and merely quantitative.*** It is urged that Aristotle's classification is unscientific and artificial because it is based not on organic and qualitative distinctions between various forms of the State but merely on numerical and quantitative differences. He distinguished them on the basis of the number of rulers, one, few or many. But this is not a qualitative distinction. For instance, the rule of one sovereign may be as democratic as that of the many. This criticism, however, does not hold good. The distinction between monarchy, aristocracy and democracy or polity is really qualitative and organic because it indicates the spread of political consciousness among the people. Like his teacher Plato, Aristotle believed that knowledge is the basis of the State and knowledge means the consciousness of the ethical end for which the State exists. When more people become conscious of this ethical or spiritual end of the good of the State, a new form of State comes into being. Thus regarded, a monarchy is qualitatively different from an aristocracy as well as from a polity or democracy as we understand it today. Burgess has rightly said that the distinctive character of a State depends upon the number of persons who are inspired with political consciousness and therefore participate in its organisation and government.

(ii) ***Aristotle's classification confuses the state with government.*** Garner is of the opinion that Aristotle did not keep in mind the difference between the State and government; and, therefore, he did not classify State, but governments. Garner further asserts that even as a classification of governments it is unsound and unscientific because it is not based on their fundamental characteristics. This objection is to some extent correct. But we must keep in mind that the Greeks did not know the difference between the State and the government which is a modern discovery in Political Science. Burgess says that even this shortcoming in Aristotle's classification can be removed if we substitute the terms 'State' and 'sovereignty' by 'government' and 'rule'.

(iii) ***It does not apply to many kinds of modem governments.*** Seeley and Leacock have objected that his classification docs not embrace several kinds of modern States and governments. Seeley says that Aristotle knew only the city-States of his times which were quite unlike the modern 'country-States'. Hence his classification is of little value for modern States. But this objection is not very sound, for the nature of the State is fundamentally the same whether it is a small city-State or a large country-State.

Dr. Leacock raised four objections against his classification. Firstly, it does no provide any place for constitutional or limited monarchies like that of England. Modern English constitution is a 'mixed constitution' which combines the features of a monarchy and a democracy. Outwardly it is a monarchy, but really it is a democracy. Obviously, Aristotle's classification cannot properly classify it. Secondly, 'Aristotle's polity' or what we now call 'democracy' and 'monarchy' open the way to great confusion. Take the case of England and the U.S.A. Both of them are democracies, but they will be put in different categories, for England is a monarchy, while the U.S.A is a republic. Thirdly, this classification fails to take account of the difference between a federal and a unitary form of government. Fourthly, it also fails to distinguish the parliamentary from the presidential form of government. These objections are justifiable to some extent. Aristotle's classification is inadequate for modern States. That is the reason why several modern writers have endeavoured to classify them on other principles, as we shall now describe.

Other Classifications.

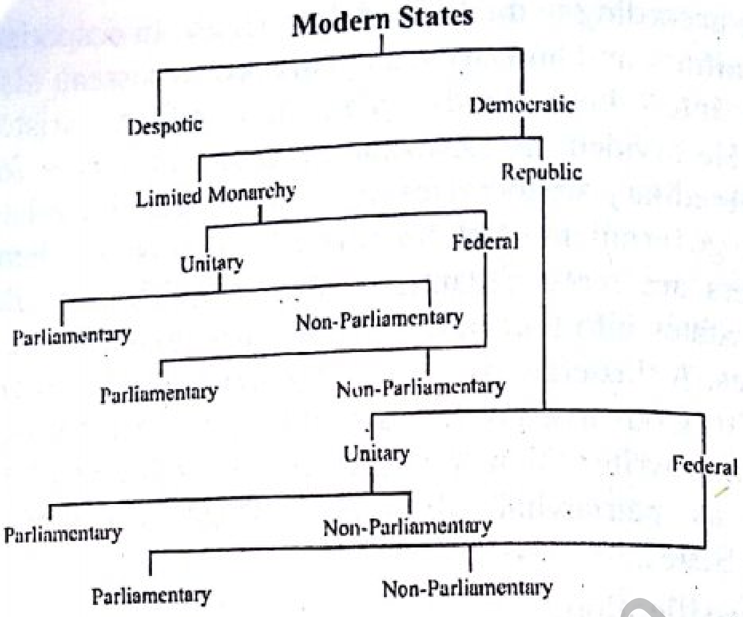
Among the modern writer, Montesquieu proposed a three-fold division, viz., republics, monarchies and despotism. In a republic, the people or part of them possess supreme power. In a monarchy, one man rules the State according to the laws of the country. In despotism, the rule of one man is arbitrary and unrestricted by any law. Rousseau also divided the governments into three kinds, viz., monarchies, aristocracies and democracies. He divided the aristocracies further into three forms, natural, elective and hereditary aristocracies. He regarded elective aristocracy as the best form of government. Yet he was a champion of democracy! The German writers are more pedantic in their classification. Bluntschli has classified the States into four kinds; monarchies, aristocracies, democracies and theocracies. A theocracy is a form of government in which sovereignty is attributed "to God or a god or to some superhuman being or to Idea." Another German writer. Von Mohl, gives a long list of States, which he distinguishes as patriarchal, theocratic, despotic, classic, feudal and constitutional States.

Marriot's Classification.

Sir J.A.R. Marriot has provided us with a more adequate classification. He classified States on a three fold basis. First of all he distinguished them on the basis of the distribution of supreme powers in the government. On the principle, there are two kinds of governments, unitary and federal. In a unitary government, all governmental powers are exercised by a single, central government, while in a federal State they are distributed between a federal or central government and the governments of the component units of the federation. Marriot next classifies the States on the basis of the nature of the constitution, which may be either rigid or flexible. A rigid constitution cannot be easily amended, while a flexible one can be. The third basis of classification is the relation between the legislature and the executive. When the legislature is, supreme and the executive is responsible to it, it is a parliamentary form of government. When the two have separate and co-ordinate powers and the executive is not responsible to the legislature, it is a presidential form of government.

Leacock's Classification.

Dr. S. Leacock has given us a more thorough-going and adequate classification than Marriot's. He explained it in a sketch, as given below:


Modern States
Despotic
Democratic
Limited Monarchy
Republic
Unitary
Federal
Parliamentary
Non-Parliamentary
Parliamentary
Non-Parliamentary
Unitary
Federal
Parliamentary
Non-Parliamentary
Parliamentary
Non-Parliamentary

First of all, it should be noted that Leacock does not try to classify all the States known to history. He has confined himself to the modern States only. He first divides them into two classes, viz., despotic and democratic States. In a despotic State, one man exercises supreme power without any reference to the will or wishes of the people. But this form of State, says Leacock, is now becoming a thing of the past. In a democracy, supreme power rests ultimately with the people. Democracies are further divided into limited monarchies, like that of England, Belgium, etc., and republics, e.g., U.S.A., France, etc. In a limited monarchy, a king or queen is the supreme head of the State, but he or she exercises only limited or nominal authority, while real power is in the hands of a legislature. King's authority is limited by the constitution. In a republic the supreme executive head is either directly or indirectly elected by the people for a definite number of years. Each of these forms of governments is further divided into unitary and federal forms. In a unitary government, all sovereign powers are in the hands of a single, central government. The State may be divided into provinces, districts, cantons, etc., but they are merely administrative units, possessing no autonomy or sovereign authority. In a federal State, there are two sets of governments-a central and two or more federating governments of the component units of the federation. Each of them exercises supreme authority within its sphere of authority as defined by the constitution. Unitary and federal States are further divided into parliamentary and presidential or non-parliamentary types. This distinction is made on the basis of the relation between the legislature and the executive, as Marriot did.

Chapter 24

Dictatorship and Totalitarianism

Dictatorships: Ancient and Modern.

Democracy today is challenged by a new form of government, called dictatorship. This form of government was known to the ancient Greeks and Romans who called it "tyranny" and "dictatorship", respectively. The Greek tyrant captured political power by force and held it by force. 'But the Roman dictator was appointed to this supreme office under the law and with the consent of the Roman Senate, the supreme authority in the Roman Republic, for the specific purpose of resolving the crisis confronting the State. He held power for a specified period which never exceeded seven years. At the end of this period he rendered account to the Senate and laid down his office. Thus the Roman dictatorship was a temporary legal expedient to overcome an emergency. Modern dictatorship is established by means of a *coup d'etat* or revolution and is a lifelong affair. Hence it resembles more with the ancient Greek *"tyrannous"* rather than with the Roman "dictatorship". As early as 1922, when modern dictatorships had not yet really arisen. Lord Bryce wrote in his *Modem Democracies* that there was a "growing disposition to trust one man, or a few led by one, rather than an elected assembly."

Dictatorship is defined as the rule of one man who exercises absolute power in the State, sometimes derived from and aided by a political party, or by a clique. It is an antithesis to democracy, because dictatorship is, firstly, government by decree rather than by law; secondly, the dictator is not accountable before any parliament or representative body, and thirdly, there is no limitation on the duration of the dictator's authority. He holds power till he dies or is overthrown.

Rise of Modern Dictatorship.

Autocracy is as old as political history. Human history is replete with the stories of autocratic rulers, kings and emperors since very ancient times. Even absolutism is not a new political phenomenon. The Roman Emperors, several modern European kings and rulers like Philip II of Spain, William of Orange, Cromwell, Napoleon, and several Asian kings today, like the Shahinshah of Iran, or the Mikado of Japan, have been and are absolutist rulers. But all of them depend on old customs, laws and traditions of their countries for absolute authority, though none of them tests its exercise by reference to popular vote or plebiscite. Modern dictator captures supreme power against law and constitution and secures popular support by a strong government and plebiscite. Hence this new kind of autocracy is sometimes described as "popular autocracy." A modern dictator is usually a successful military man or a strong party leader.

Modern dictatorships can be classified into three distinct types:

They are communist, nationalist and fascist dictatorships. Many English and American writers and political scientists usually bracket them into a single category for reasons of the propaganda technique of simplification. But there are great differences of structure, doctrine and ideals between each of the three kinds of dictatorships. We shall, however, deal with the organisation of their government and State in this chapter and shall take up their doctrines and philosophies in subsequent chapters. This dictatorship arose during the First World War (1914-18). First of all arose the Communist Dictatorship in Russia in 1917, then in 1921 Kemal Ataturk established a nationalist dictatorship in Turkey. Soon after, in 1922, Benito Mussolini established his Fascist dictatorship in Italy. Then several monarchical, nationalistic and fascist dictatorships were set up in several European countries, like Spain, Pcrtugal, Yugoslavia, Hungary, Rumania, Greece, etc. In 1933, arose the most ferocious of all the fascist dictatorships, the Hitlerite dictatorship of Germany, usually called Nazi Dictatorship. Soon after the Asian brand of Fascist dictatorship was established in Japan. The three Fascist Dictatorships of Italy, Germany and Japan entered into a military alliance for aggression and conquest. They feverishly prepared for a world war which they started in 1939, called the World War II, which ended in 1945 with the utter destruction of the three Fascist powers. Mussolini was hanged by angry Italians; Herr Hitler died in an air-raid shelter in Berlin, but the Japanese war-lords escaped without much thrashing, because they hurriedly and skilfully surrendered to the Americans who nurtured them into their brand of democracy. Fascist dictatorship existed in Franco's Spain, till his death and in Pinochle's Chile till recently. The nationalist dictatorship of Turkey has now become a democracy. Only Communist Dictatorship of Russia still goes strong, rather modified by the perestroika and glasnost policies of President Gorbochev in recent years but mainly because of her progress in industry, science and technology. In post-World War II years we have witnessed the rise of several communist dictatorships, as in China and several East European countries where they have overthrown the former Fascist dictatorships after the defeat and destruction of Nazi Germany, Later on several nationalist dictatorships rose to power, as in 'Egypt, Iraq, Indonesia, South Korea, Thailand and military dictatorships, e.g., in Burma, Pakistan, Bangladesh.

Main Features of Dictatorship:

As distinguished from democracy or constitutional form of government, dictatorship, both ancient and modern, possesses some characteristic features. They are as follows:

1. *It is a crisis product:* All kinds of dictatorships are products of crisis, whether it is due to constitutional, political, social, economic or religious reasons. Inability of the democracy to function properly and internal weakness are undoubtedly the main causes of the establishment of the modern dictatorial rule. In ancient Rome, one-man despotism was set up to overcome some irresolvable crisis or emergency. But most of the modern dictatorships arise during a national crisis which a strong man, a military leader, or a leader of a political party or clique or group believes he can resolve successfully. Once in power, the dictator continues to stick to power till death or when overthrown-by a new dictator or by the people revolting against him as they did against Ayyub Khan in Pakistan in 1969, or against Marcos in Philippines in 1987 or against Ne-Win in Burma in 1988 or against many communist dictatorships in Eastern Europe during 1989-90. ,

2. **Arbitrary exercise of power:** Dictatorship is characterised by arbitrary exercise of power. Every dictator acquires absolute and exclusive monopoly of power. In some cases, a dictator may share power with other leaders of the party or elite group which has put him into power. But this is often at initial stage. Once firmly in power, he usually gets rid of his collaborator or collaborators in one way or the other.

3. **Aggressive and dynamic methods of decision-making:** Decisions and policies in dictatorship are very aggressively and dynamically implemented. This is, really, one of the reasons why dictatorship is often more successful than democracy; but only for a few years.

4. **Employment of despotic methods of political and social control:** Dictators employ force, terror or intimidation and propaganda to make people obey their decisions, laws and policies. Political parties are banned; newspapers are suppressed; and civil liberties or fundamental rights are done away with.

5. **Abolition of constitutional or legal basis of political power:** By its very nature, dictatorship means a system of government which has acquired power by unconstitutional and illegal methods. The first thing a dictator does is to abolish the constitution or to restrict its application. Sometimes, he issues a new constitution of his own devising so as to legalise his rule. The abolition of the constitutional or legal system is one reason why succession is not easy or peaceful under a dictatorship. What is more, a dictatorship can be put to an end by violence or revolution.

In other words, dictatorship often comes to power through bloodshed and can be got rid of by further bloodshed.

Organisation of Dictatorship or totalitarianism.

The political organisation of a dictatorship is simple, especially of the Fascist dictatorship. The State is ruled by one man usually called the Leader, or by one party which possesses supreme power. No other political party is allowed to exist. The ideal of Nazism and Fascism was "one Reich (i.e. state), one people, one leader." The State controls and regulates everything, and every activity of the citizens. The Fascists worshipped the State. As Mussolini said, "The State is to be all-embracing; outside it no human or spiritual values can exist, much less have any value. Fascism is totalitarian," The Fascist ideal of the State is expressed thus: "Everything for the State; nothing outside it and nothing against it." The individual has no rights, but has many duties. He has to render absolute and unquestioning obedience to the Leader. Mussolini put it thus: the duties of a citizen are "To believe (in the Leader), to obey, to fight." The Nazis twisted the old commandment to "render unto Caesar what is Caesar's and unto God what is God's" as thus, "Render unto Caesar what is Caesar's and render also unto Caesar what belongs to God." In simple words, the Nazi and Fascist Dictators abolished the distinction between religion and politics and brought religion and church under the control of the State. Communist dictatorship is opposed to religion and seeks to abolish it altogether. Nationalist dictatorship usually endeavours to separate religion from politics, as did Kemal Ataturk of Turkey, or later Nasser of the U.A.R. In other words Fascist dictatorship subordinates religion to the State, Communist dictatorship abolishes it altogether, while nationalist dictatorship separates politics from religion.

Defects of Dictatorship.

As a form of government, dictatorship has a number of defects, as follows:

1. ***Dictatorship regards the state as the end and the individual as the means.*** Dictatorship is totalitarian: it controls everything and regulates every activity of the individual and the society. It is authoritarian, for it provides unlimited and absolute power to the State over the citizens and society. Really, dictatorship makes no distinction between the State and the society. The individual has no life and no rights of his own apart from what the State gives him. It has been rightly remarked that in a totalitarian State there are no individual rights but only State rights. The individual is completely subordinate to the policy and purpose of the State: his right is his duty to obey the State. He lives for the glory and power of the State. In democracy the individual has his rights and freedoms; the State exists as a means to his happiness and self-development. In dictatorship, the individual is a means to the attainment of the ends of the State.

2. ***Dictatorship is based on force and violence and not on discussion and argument.*** In democracy decisions are reached by discussion, argument and persuasion, whereas in dictatorship by force and violence. Dictatorship demands obedience; democracy relies on persuasion and compromise. Democracy presumes differences of opinion among the people, but dictatorship forces conformity and uniformity of opinion among them. Disagreement with the government is regarded as a sin in dictatorship and suppressed without mercy. Democracy accepts opposition to the ruling party and encourages criticism of the government, but dictatorship crushes opposition and forbids criticism of the government because they are believed to destroy the unity of the State and hinder its progress.

3. ***Dictatorship leads to apathy in public life.*** As no opposition and criticism of the government is permitted or tolerated under the dictatorship, the people become indifferent and apathetic to the affairs of the State. In dictatorship the people are asked not to think but to obey the Leader and follow him blindly to wherever he leads them. "Such a policy spells disaster for the future, for to eliminate all differences is to eliminate all that keeps the community mentally and spiritually alive." By regimenting, life and thought the dictator crushes all initiative, intelligence and imagination of his subjects and creates a sheep-like conformity and a deadening uniformity of opinion and prejudice. He destroys the possibility of developing human personality, learning, literature and art. "At best a dictatorship is run as an elaborately organised house of correction, in which the inmate is assigned his task and vigilantly inspected as to the manner in which he discharges it."

4. ***Fascist dictatorship spreads war and aggression.*** While communist and nationalist dictatorships pose to be peaceful, friendly and co-operative in their relations with foreign countries and nations, fascist dictatorship is openly revenge-seeking, aggressive, imperialistic and hostile towards other nations and countries. It is born with a sword in its hand and prepares feverishly for war and conquest, for its eyes are fixed on what the Nazis called the *"lebensraum"*, that is, "living space", consisting of conquered lands and enslaved nations. The fascist dictator hates peace and friendship among nations of the world and ridicules and scorns the ideals of human brotherhood and love. Fascism and Nazism believe in race-superiority and racialism.

5. ***Finally, dictatorship is not a permanent institution.*** Dictatorship lasts so long as the dictator lives or keeps himself in power. Fascist dictatorship not only lives by the sword but perishes by the sword. It is destroyed by the fires of the war it has itself kindled. The history of the nationalist and communist dictatorships is, however, not much different.

Merits or Dictatorship.

1. ***It makes government strong.*** Dictatorship is claimed as the regime of a "strong man who gets things done.' The reason is that it is a centralized government, in which no opposition parties are allowed and no criticism is permitted. All energies of the State are concentrated on the achievement of aims and ideals for which the dictatorship stands. The dictator gives a strong and efficient government to the country he rules. Hence dictatorship possesses vigour and energy.

2. ***It makes for efficient and prompt administration.*** Dictatorship is strong and more efficient and prompt than democracy in handling emergencies. Democracy works by committees, discussions, parliamentary debates, persuasion and compromise. Hence it takes democracy long to decide a question and execute decision. It seems to be particularly slow when an emergency or a crisis demands a quick decision and prompt action. A dictator, on the contrary, needs no committee, no parliament and no opponents to persuade convince or compromise. He, therefore, meets an emergency with a firm and quick decision and prompt execution. His firmness and determination stand in sharp contrast to the weak and vacillating policies of democratic rulers. "An authoritarian regime," writes Dr. Arnold Toynbee "can produce immediate effective results with a smaller staff of efficient and public-spirited men and women than a democratic regime can." The Communist Dictatorship in Soviet Russia has achieved in industry and science in 50 years what took two centuries to democratic England and U.S.A. to achieve. As regards war, Nazi Dictatorship in Germany made the country so strong and powerful in seven years that she was able to fight all other Great Powers for five years. As regards the nationalist dictatorship, Kemal Ataturk saved the Turks from annihilation at the hands of the British, French, and the Greeks, and rehabilitated Turkey as a strong and respected nation once again. The nationalist dictators of Egypt, Iraq, etc., also achieved the same results in their own countries.

In the end, however, dictatorship has more defects and drawbacks than democracy as we have explained in the next chapter.

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Chapter 25

Democracy

Its Meanings.

Democracy is a complex term with various meanings. It can be conceived as a political system, an ethical ideal or a social condition. We can describe a State, a government or a society, an institution, an idea or an ideal as democratic. Here we shall deal with democracy as a political system or institution and as an ideal.

The word 'democracy' is derived from two Greek words, *"demos"* which means 'the people' and *"kratos"* which means 'the rule'. So, originally and really, democracy means *the rule of the people.* As a form of government, it means *the rule of the many,* and as a form of representative government, it means *the rule of the majority.* It is variously defined by the various writers. Aristotle, who disliked democracy, defined it as the rule of the mob, and condemned it. Seeley defined it as "a government in which every one has a share." Dicey defines it as a form of government in which "the governing body is a comparatively large fraction of the entire nation." Bryce says, 'The word democracy has been used ever since the time of Herodotus to denote that form of government in which the ruling power of a State is largely vested, not in any particular class or classes but in the members of the community as a whole." He further adds that the ruling power in the community belongs to the majority, which is the only way of determining the will of the community. Abraham Lincoln said that democracy is the Government of the people, by the people and for the people. Gettell defines it as "that form of government in which the mass of the population possesses the right to share in the exercise of sovereign power."

Dimensions of Modern Democracy:

Modern democracy is a product of three historical developments, viz., English parliamentary system, the great French Revolution of 1789 with its slogans of "sovereignty of the people", and of liberty, equality and fraternity, and the Industrial Revolution which began first in England and then spread over to Europe during the nineteenth century. In other words, modern indirect form of democracy came into being during the nineteenth century and spread almost over the whole world during the twentieth century. However, after the World War II, it became so popular and horrific a term many a dictatorship styled itself as democratic. The result is, as a

UNESCO report says, that "for the first time in the history of the world practical politicians and political theorists agree in stressing the democratic element in the institutions they defend and in the theories they advocate." This misuse of the term "democracy" has led Bertrand de Jonvenel to say that "discussion about democracy is intellectually worthless because we do not know what we are talking about". But this means that we should carefully analyse this concept rather to despair of defining it.

Democracy may stand both for an ideal and a reality. The reason is that democratic institutions, values, attitudes, habits, beliefs and practices are not uniformly found in the States which claim to be democratic. Consequently, we may divide democracies into three types: (i) full democracies which possess all democratic institutions, values, practices, etc; e.g. USA., U.K., Sweden, etc; (ii) semi-democracies, which are mixtures of democratic and autocratic institutions and ways of government, e.g., Yugoslavia, India, Thailand, etc; and (iii) pseudo-democracies, which are democracies only in name but not in fact; they are really dictatorships masquerading or styled as democracies; examples of too many to mention here, e.g. Ayyubi dictatorship in Pakistan, or the so-called People's Democracies in Eastern Europe, including Stalinist Russia, etc.

The criteria which distinguish a democracy from a non-democratic State are the following democratic institutions, values and practices: opposition and competitive parties, free press, majority rule with respect for the rights of the minorities; constitutional government, providing opportunities for alternative government; fundamental rights; maximization of equality; free and fair elections; responsible political or governmental leadership; absence of social, economic, cultural or regional distinctions on the basis of caste, clan, creed, sex, nationality, colour or religion. A democracy which lacks these criteria partially or wholly may be classified as semi or pseudo-democracy respectively. In other words, what makes a State democratic is not the government for the people but the government of the people, on the basis of the criteria mentioned above.

Kinds of Democracy.

History shows us that there are two kinds of democracy: direct and indirect democracy.

Direct or pure Democracy.

When the people can directly express their will on public matters in a mass assembly rather than through their representatives, it is called direct or pure democracy. It was a participatory democracy. Obviously, direct democracy can exist in States which are small in area and population. It is then physically possible for the people to assemble in a mass meeting to make laws, decide policies, elect public officials and settle other problems of the State. But such a mass assembly is not possible in large country-States, as exists in modern times. Historically, such a small State existed in ancient Greece called *polis* or city-State. In modern times we have some relics of direct democracy in the small cantons of Switzerland, namely, Appenzell, Uri, Glarus and Unterwalden. In these cantons, the whole adult population of few hundreds assemble at one place on Sunday afternoon and decide their common affairs and adopt their policies by voice vote, i.e., by loudly expressing *ayes or nays.*

Indirect or Representative Democracy.

When the will of the people is formulated and expressed through a small body of persons elected by the people as their representatives to make laws and govern the country, it is called an indirect or representative democracy. It is the modern form of democracy and has evolved in Western Europe during the last two centuries or so. Like direct democracy, representative democracy also accepts the sovereignty of the people, which, however, is expressed not directly but indirectly through their delegates or representatives who act as their trustees. It is based not on participation but on representation. This can be ensured by means of universal franchise, popular electorate, frequent elections, enforceable popular responsibility of the representatives, and the demand that they should reflect the will of the people during their tenure of office. Earlier advocates of a representative democracy demanded even the election of all public officials, whether governors, law-makers or judges, but nowadays only the law-makers are elected. In recent times, this form of democracy has been much criticised and is sought to be reformed by the introduction of some devices of direct democracy such as referendum, initiative and recall. But these methods have not been widely adopted. They exist only in Switzerland.

Three Aspects of Democracy: Political, Economic and Social Democracy.

Ordinarily, democracy is understood in its political aspect. In this sense, democracy means the sovereignty of the people and the enjoyment of political rights and liberty by every adult citizen, it means that everyone must have one vote, have the right to stand for election, and hold public office, if properly qualified for it. The citizens must also enjoy the rights of freedom of opinion, speech, association and other civil liberties. In this way the people will choose and control their representatives. Political democracy makes the government and State democratic.

Economic democracy exists when there is no class distinction in a country, when wealth is equally distributed in the society, and when the society is based on the principle, "From each according to his capacity, to each according to his needs." Such a democracy exists only in a truly communist society. It recognises that every citizen has the right to work, wages, rest and leisure and an unrestricted right to the enjoyment of life. Economic democracy makes the society democratic.

Social democracy is based on the principle of social justice and equality. It exists where there are no prejudices of class, caste, colour or creed, and the people mix and mingle with each other freely, regardless of their wealth, birth or social status. All citizens—men and women, rich and poor, official or not—mix with each other on equal terms in social life. In other words, man is valued as man and nothing else. Social democracy flourishes where everyone is friendly, genial and good 'mixer'. Such a democracy exists in truly Islamic society which makes no distinctions of colour, class, nationality or race, although differences of wealth and income may continue to exist in it.

Democratic Government: Democratic State and Democratic Society.

Another useful distinction is made between a democratic State, government and society. It is not necessary that the three may be identical and co-existent. A democratic government is one which is controlled by and responsible to the electorate. A democratic State means the mode of appointing, controlling and dismissing a government. A democratic government is not possible without a democratic State, but a democratic State can be possible without a democratic government. The characteristics of a democratic government are elected representatives, majority rule, and enforceable responsibility of the government; while those of the democratic State are universal adult franchise, political rights and civil liberties, free press, effective influence of the public opinion, etc.

A democratic society is one in which there are no distinctions and prejudices of caste, class, colour or creed, and persons enjoy equal rights and privileges. It is a society based on the brotherhood of Man, in which the common man or woman is a determining factor. It has faith in the personality of man. It is possible that a democratic society may not have a democratic State. For instance, the Muslim countries have a democratic society, but very few of them have a democratic State and government. Hindu society is undemocratic, because it is caste-ridden, but India is a democratic State with a democratic government. In spite of these distinctions, they are interdependent. A democratic government can exist and thrive only when it is supported by a democratic State in a democratic society.

Tests of Democracy.

In view of the various meanings of democracy, let us see what are the characteristics and conditions which make a State or government democratic.

1. ***Does the right of free expression of opinion and opposition exist?***

Democracy is based on free discussion. It recognises and welcomes differences of opinion. Indeed, one of its chief characteristics is to provide the machinery for the free expression of differences of opinion.

Before a law is made, the opinion of those who would be most adversely affected by it must be heard. In short, democracy does not believe in the suppression or control of opinion but in its free expression. Free expression is a safety-value. Repression means oppression and may end in a revolution.

2. *Do the people have the right to change the government?*

In a true democracy, the people should have the right to discuss, criticise and change the government. Free expression of opinion and discussion implies the right to change the government when the opinion of the people has changed. Democracy accepts the existence of contrasting policies and of politicians ready and eager to replace those in power. It exists where alternative leadership is possible. If the government cannot be changed, it becomes a dictatorship and not a democracy

3. *Is there equality before law?*

Democracy presupposes the equality of all citizens before law, whether rich or poor, officials or private citizens. This equality should not only be enjoyed in theory but in fact also.

4. *Are the rights of the individual assured and protected?*

In a democracy the State grants and protects rights of all citizens, both against other citizens as well as against government. Equality of rights is essential to democracy. Every citizen has equal rights, especially political rights. The old formula, "one man, one vote", is the only basis of a democracy. But, besides the right to vote, he has also equal right to contribute freely to the making of public opinion by speech or writing, in public meetings and press, by forming parties, associations and groups, without any hindrance or regulation. He enjoys freedom of discussion and criticism of the powers that be.

5. *Are there opportunities for the 'common man'?*

Turning to the personal and private life of an individual, democracy provides all opportunities for the common man or the ordinary citizen. The essence of democracy consists in the kind of life it opens up for an ordinary citizen. It offers him the fullest educational possibilities. It enables him to enter the profession of his own choice. It protects him, his life and property, and provides for the fullest development of his personality.

6. *Are the people free from tenor?*

One of the essential features of democracy is the freedom from fear of those who wield power, whether political or of wealth. Common citizens should fear neither police nor men of privilege nor men of wealth.

Conditions for the Success of Democracy.

Democracy is, indeed, the best form of government, but it is also the most difficult. In the past, democratic system of government was established in many countries. But it ended in failure in several of them and was replaced by dictatorship of one form or another, as for instance, in Nazi

Germany or in dc Gaulle's France, Nasser's Egypt and other countries. It needs certain conditions and prerequisites to make democracy a success. Mill and other writers have discussed these conditions and requisites.

In his book, *Representative Government,* Mill has laid down these conditions for the success of democracy: firstly, democracy cannot function where people are too unruly; secondly when people are too passive; thirdly, where sectional and parochial interests are stronger than national interests; fourthly, where selfish interests are preponderant, fifthly, where the controlling body is ignorant and incapable; and lastly, where the desire to govern others is stronger than the desire for personal liberty.

We may summarize here the essential conditions or prerequisites for the success of democracy as follows:

1. Enlightened Citizenship.

Democracy and enlightened citizenship go together. The citizens of a democracy must be good, alert and enlightened or educated. They must be able to understand and take intelligent interest in public affairs. They must be ready to fight for their rights and resist any encroachment on their liberty. At the same time they must also perform their duties honestly. They must subordinate their selfish interests to national or collective interests. They must be co-operative, public-spirited and patriotic.

2. Character and ability.

Closely allied to good citizenship is the character and ability of the common citizens. It is the character, habits and attitudes of the common man that make democracy a success or a failure. He must be intelligently and rationally interested in public affairs and must understand them. He must not be swayed by emotions. On the other hand, his opinion should be based on sound practical judgment, tolerance and unselfish devotion to public good. He should actively participate in the affairs of the government of his country. A democratic government is government by criticism. Hence every citizen must be ready to protest and criticise against the injustice and tyranny of the government, for democracy lives when the people are articulate; it dies when they are dumb and mute. Moreover, the people should be ready to fulfil their functions in minor spheres of life with enthusiasm, honesty and skill. Every man should be keenly interested in the welfare and happiness of his fellow-men and ready to help overcome their difficulties. In other words, civic sense is a necessary condition for the success of democracy.

3. Vigilance.

It has been justly said that, like liberty, the price of democracy is eternal vigilance. A democratic society makes heavy demands on its citizens. The people should be alert, vigilant and active in order to preserve their democratic institutions, and enjoy their rights and liberty. "A citizen of democracy is not merely to obey; he has also to see if his obedience is rational. He should, therefore, possess such virtues as wisdom, intellect, vigilance, common sense and honesty. While considering the "Hindrances to Good Citizenship", Lord Bryce has rightly remarked that indolence and indifference on the part of the citizens are the two enemies of democracy. When the people are indifferent, inactive and indolent in public matters, crafty politicians, clever demagogues, rich plutocrats and such other enterprising persons capture political power and abuse it for their selfish ends. As Montesquieu said, "The tyranny of a prince would hardly bring a State to ruin quicker than would indifference to the common welfare in a public". Democracy exists only when the people have a will to act. The rulers become masters when the people are passive, but they are their servants when the people are active.

4. Tolerance and Responsibility.

Along with vigilance and intelligence, democracy needs a spirit of tolerance and a sense of responsibility among all its citizens. Tolerance and the spirit of give and take are essential for democracy. Democracy is necessarily a rule of the majority. But if the minority party or parties are irreconcilably opposed to the laws and policy lay down by the ruling majority, democracy would fail to work; hence the need for tolerance or a spirit of give and take. It relies on the methods of peaceful persuasion. It presumes an agreement on fundamentals acceptable to all citizens, whether they belong to the majority or minority parties. They may agree to disagree but not to disunite. Democracy is, in daily practice, the acceptance by the minority of the majority rule.

5. Education.

Education is indeed the first requisite for the success of democracy. Education is necessary to make common citizens good, intelligent, honest, active, responsible, public-spirited, tolerant, and vigilant of their rights and duties. This is the reason why Laski said that education is the backbone of democracy. Education at least up to secondary level should be free, universal and compulsory and should be such as to equip the citizens for the performance of their civic duties and responsibilities. Democracies demand not only the passive consent of the citizen but also his active and constant participation and co-operation which should be the end of a democratic educational system. It must make him thoughtful, intelligent and critical person who would be bold enough to criticise the government, tolerant of the views of his opponents and honest enough not to abuse public office for selfish ends. It should aim at producing such citizens who would say, as Bentham said, "while I will obey punctually, I will censure freely."

6. **Organisation and Leadership.**

Democracy requires organisation and leadership. Indeed, the problem of organisation and leadership is more urgent for democracy than for other forms of government; firstly, because modern democracies are vast and complex societies, and, secondly, because democracy is inherently a government by and for common men and women. Democracy, says Prof. Lindsay, is participation; it means 'doing things in common with others, and taking your share of the responsibilities involved. The democratic problem, he concludes, is the control of the organisation of power by the common man. Ordinarily, common citizens are neither adequately educated nor sufficiently interested in public affairs and problems. They have also not enough time or leisure to devote themselves to public matters. Hence the need is to inform and educate them, to arouse their interest and to organise them for public action. This important task is performed by political leadership. In order to fulfil this task, the leaders must themselves be honest, intelligent and public-spirited. They must be men of initiative, imagination and courage who can see and foresee the needs of the people and problems of their country. Moreover, they must dwell among the people in order to understand their needs and difficulties. They must also be self-reliant, honest and responsible persons.

7. **Fundamental Rights.**

Democracy requires that the citizens have fundamental rights and enjoy them. Civil liberties or rights should be guaranteed and protected by the constitution of the country. The minorities should be protected in the enjoyment of their rights of culture, religion and language so that they may not be discontented.

8. **Common Goals.**

Democracy flourishes well where the frontiers of the State coincide with those of nationhood and where the nation enjoys the rights of self-government. Democracy is partnership in the common goals and ideals of life, which require fellowship or what Giddings called "consciousness of kind." Nationhood creates the feelings of community. Hence Mill declared that a democratic State should be a national State.

Democratic Ideals.

Let us now consider the ideals and aims for which democracy stands. Historically speaking, they have varied from time to time. At first, democracy stood for the rights and liberty of the individual against the arbitrary power and authority of the absolute kings of the early modern age in Western Europe, from 16th to 19th centuries. Government, it was said, must be based on the free consent and will of the governed. It was the age of the natural rights and social contract. The French Revolution proclaimed the ideals of liberty, equality, fraternity and also of the sovereignty of the people. The English utilitarians added the principles of the greatest good of the greatest number and of human happiness. The Idealist philosophers declared that the supreme purpose of democracy is the moral perfection and development of human personality. In recent times, the socialists and communists believe that democracy stands for the happiness and well-being of the masses. We enumerate democratic ideals as follows:

Faith in the Common man.

The basic ideal of democracy is the faith in the common man in his reason, intelligence and judgement. It is founded on the belief that all men are equal in their needs and rights. "A democratic society," says Wolff, "is a society of free, equal, active and intelligent citizens, each man choosing his own way of life himself and willing that others should choose theirs." The essential aim and purpose of democracy says Lord Lindsay, is "to make it possible for mankind to live in vast and complex communities while preserving, as far as it is possible, the right of the individual to act as he believes best in accordance with his own conscience, the equal weighing of individual claims to happiness by social institutions, the right and the opportunities of making one's contribution to the common life by one's work, one's reason and one's whole personality." Democracy expects each and every individual to participate in the common life and fulfil its duties and responsibilities in common with others. Its ideal is the control of political power by the common man.

Individual is the end and State the means.

Having a deep faith in the worth of the individual human being, democracy proclaims the sanctity of human personality and the equality of the rights of man. Government exists for human beings and not human beings for the government. The State is there only to give individuals fullest opportunity of living a good and happy life. The individual, and not the State, is to judge what good life. "Democracy", writes Sir Stafford Cripps "is a system of government in which every adult citizen is equally free to express his views and desires upon all subjects in whatever way he wishes, and to influence the majority of his fellow-citizens to decide according to those views and to influence those desires."

Liberty and Equality: Rights of the Individual.

The essence of democracy consists in providing the same kind of conditions of life and happiness for all men and women equally. It upholds not equality of things or possessions but equality of opportunity or rights, that is, the equality of civil and political rights and privileges. Historically, democracy began as a protest and a revolt against the class prejudices and privileges of the feudal society. Democracy abhors privileged classes. Politically, it upholds equality by qualifying every adult citizen as a voter as expressed in the old adage, "one man one vote. Socially, democracy advocates social equality, without snobbery and without sharp class differences. Democracy is simplicity.

Democracy is a form of government in which everyone has a share.

It is government by consultation, discussion and peaceful persuasion. It believes that truth is not the monopoly of any person or class of persons, that everybody knows best what is good for him and can contribute his own opinion to the attainment of the common good. For this purpose he must have rights of free expression of opinion, of association, discussion and persuasion. "The rights are integral to democracy because they make possible free discussion and the continuous participation of the people in the government." Democracy, writes C.D. Burns, as an ideal, is, therefore, a society not of similars but of equals, in the sense that each is an integral and irreplaceable part of the whole. It is based on the rule of law, respect of individual rights and equality before law.

Democracy is based on the conviction that average man is fit to choose men for public office. It believes in the ordinary man's political common-sense. It does not mean that he has universal knowledge or is able to understand the technicalities of the problems in political life. But an average citizen can understand the broad issues, the essential principles on which policies and programmes rest, and choose between them. Moreover, he has the rights to offer his opinion after a study and experience of the problems confronting him. He does not make policy, or carry it out, but chooses between alternative policies and principles on which they are based. He is not to govern but to choose his governors. Democracy believes that he has enough political wisdom and intelligence to choose the right type of persons to exercise political power. In this way, democracy achieves the supreme task of political organisation, namely the adjustment of authority of the State with the liberty of the individual.

Peace.

Democracy is essentially a' philosophy of peace. It is opposed to war and any other form of violence. The reason is simple, as democracy is based on the principle of consent, given after free discussion and peaceful persuasion. It will not be possible if force and violence are used. Moreover, in times of war, citizens are forced to obey the government blindly which decides things secretly without public consent and criticism. All this is detrimental to democratic processes and principles. Furthermore, democracy is opposed to imperialism, that is, to the conquest, enslavement and exploitation of weak nations by the strong ones. Imperialism is doubly detrimental to democracy: it corrupts the imperialist nation and also prevents the growth of democratic principles and habits in the country enslaved by the imperialists. This fact is amply illustrated by the history of the imperialist Democracies of Europe and America. Only universal peace and freedom would ensure the growth of democracy all over the world. War or threat of war and conquest leads to the growth of fascism and despotic governments.

Attacks on Democracy.

Both in theory and practice, democracy has been subjected to severe criticism and attack from various points of view since democratic governments and institutions came into being more than two centuries ago. Its critics point out many defects, disadvantages and deficiencies in it, both as an ideal and as a form of government.

Defects.

1. It is impracticable.

The very first attack on democracy is that it is impracticable and impossible as a form of government; although we believe in the ideal of wisdom, intelligence and rationality of the common man, yet actually he is not so. According to Oswald Spangler, government by the people is a sheer impossibility, because average man possesses little reason and still lesser understanding of politics and interest in public affairs. Popular elections are a farce, because they are actually run by a handful of clever persons. In theory, the people are the sovereign, but in practice the landlord, mill owners, big merchants and clever politicians are the sovereign. Laski also bewails the unfitness of the masses for self-government or democracy. "Save for great occasions like war and revolution," he writes, "the multitude is enfolded in its private life, content for the most part that initiative in thought and policy should rest elsewhere. So long as life flows smoothly upon a fairly even keel, it watches public affairs as a drama in which it is not expected to play an active part" Democracy is claimed to afford active participation in public life to the common man, but in practice, it has failed to arouse the masses from their inertia. The little men are not interested in big problems of their State or society. Hence democracy is merely an impracticable ideal which can never be a reality.

More hostile critics assert that democracy is both impossible and unnatural. On the contrary, they assert that oligarchy is natural to human life and society. Burke, the English political philosopher, even said, "democratic equality is a monstrous fiction " Hitler, the Nazi dictator, said that power should belong to the "exceptionally gifted minority, for the parliamentary principle of vesting legislative power in the decision of the majority rejects the authority of the individual (that is, the dictator) and puts a numerical quota of anonymous heads in its place. In doing so it contradicts the aristocratic principle, which is the fundamental law of nature."

2. *It is the Rule of ignorance.*

Another ancient attack on democracy is that it is a cult of ignorant masses, and a cult of incompetence. Plato was the first thinker to make this charge. Two modern critics are the English writers, Lecky and Maine. According to Lecky, democracy is "the government of the poorest, the most ignorant, the most incapable, who are necessarily the most numerous." Maine characterised democratic government as "government by the ignorant and those lacking intellect." Carlyle, the writer who worshipped heroes, says that as there are nine fools for every wise man, democracy is the rule of fools. A witty critic of democracy parodied Lincoln's definition thus: "Democracy is the government of the cattle by the cattle, and for the cattle." The basis of these charges is the fact that the masses are uneducated and illiterate. They are too ignorant to understand the questions of politics and government. They are even uninterested and indifferent to them. They can, however, be influenced by passions and prejudices. Yet they possess the right to vote, which they cast due to lack of intelligence, in favour of candidates who know how to catch votes by emotional appeal or other crafty tricks. But a. government chosen by such people must necessarily be inefficient and incompetent. Even the elected representatives are not qualified to rule. Democracy is based-on the principle that one man is as good as another, that no special skill or knowledge is required for government. The uneducated masses dislike experts and skilled persons. The result is that they elect non-experts and ignorant persons like themselves to hold the reins of government. These are the reasons why democracy is described as the government of the ignoramuses. Hence it was painted as a drunken Cleon a demagogic leader surrounded by a yelling mob.

3. ***Democracy is based on false principles.***

(a) It rests on several wrong principles, such as the political equality of all men, expressed in the old adage, "one man one vote." The result is that the vote of a wise and intelligent man has no more value than that of an ignorant and unintelligent man. No consideration is given to knowledge and worth of the voters. Everything is decided by the simple addition of votes. *Votes are counted, not weighed.*

(b) Equally wrong principle is that every person is fit to perform the functions of government and that no expert knowledge or skill is needed for the rulers. It believes that to run a government no special skill or training in administration is necessary. "A youth must pass," says Sir Sydeney Low, "an examination in Arithmetic before he can hold a second class clerkship in the Treasury; but a Chancellor of the Exchequer (the English Finance

Minister) may be a middle-aged man of the world who has forgotten what little he ever learnt about figures at Eton or Oxford and is innocently anxious to know the meaning of those little dots." So democracy is government by amateurs and not by qualified philosopher-rulers, as Plato dreamed of.

(c) Another defect of modern democracy is its principle of territorial representation. Representatives are elected on the basis of locality of place where the voters live and not on the basis of their professions, social functions or interests. This falsifies the whole principle of representation, because no one can represent various classes and interests of a locality. Functional representation would be a more sound basis than the present territorial method of representation.

(d) Yet another defect of modern democracy is the rule of the majority. It said that democracy is the rule of the number: we do not weigh heads but count them. The majority wins in an election, even though it is opposed by a minority of wise, patriotic and farsighted men. Democracy looks to quantity rather than quality. This argument is usually advanced by men of aristocratic and fascist bent of mind. They believe that political wisdom, intelligence and knowledge are a few gifted persons and that majority of human beings are a multitude of fools, ignoramuses and the like. But these critics disregard or underrate the influence of education and environment, training and the monopoly of the nature of human mind and character.

4. **Democracy is impossible because good citizenship does not exist anywhere.**

We have said above that good citizenship and civic sense are the prerequisites for the success of democracy. But common citizens lack civic sense. They are uninterested and indifferent to public affairs. They are too selfish, self-centered and unintelligent to understand and strive for common good. They are ready to sacrifice public good for private gain. That is why elections are a farce, because votes are bought and sold. Greed, corruption, bribery and such other evils are the common features of democracy. Hence, morally, man is unfit for democracy which is an impossible ideal.

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5. It is the enemy of liberty and good government.

The English critics, Maine and Lecky, denied that there is any real connection between liberty and democracy. Lecky says, "Democracy ensures neither good government nor greater liberty; indeed, some of the strongest democratic tendencies are adverse to liberty. On the contrary, strong arguments may be adduced both from history and from the nature of things to show that democracy may often prove the direct opposite of liberty." The reasons, of course, are the weakness of human nature, the defects of the rule of the majority and the age-old Greek argument that progress is achieved by the leisured and privileged classes, i.e., the rich and the middle classes, who must not be at the mercy of the votes of unthinking and ignorant masses. Both Maine and Lecky pointed out that the ordinary people are conservative, petty-minded and jealous. They are bound by customs, and prejudices, and old ways of living and thinking. They distrust progress and originality. To place political power in their hands, as democracy does, is to, curb and even destroy the liberty and opportunity for progress for those few talented persons who are above the average level of humanity. Lecky and Maine gave several examples of the tyranny of the majority, e.g., the poisoning of Socrates by the Athenian democracy. We can add a few more examples from .modern politics. The "colour bar" in the U.S.A., the "apartheid" in South Africa and racialism in other Western democracies or anti-Muslim riots in India, the so-called biggest democracy in the world, are due to the prejudices and ignorance of the electorate. But, on the whole, Maine and Lackey's criticism was exaggerated.

6. Democracy is also hostile to cultural and scientific progress.

Sir Henry Maine and Lecky also criticised democracy as an enemy of progress in arts, science and culture. According to Lecky, democracies are "unfavourable to intellectual progress and the advance of scientific truth" due to the conservatism and inertia of the common men. Maine writes in his book, *Popular Government:* "It seems quite certain that if for four centuries there had been a very widely extended franchise there would have been no reformation of religion, no change of dynasty, no toleration of dissent, nor even an accurate calendar. The thrashing machine, the power-loom, the spinning jenny and possibly the steam-engine would have been prohibited." A similar aristocratic thinker, the German philosopher, Nietzsche, who dreamed of the superman, observed that "because the multitude is intolerant of superiority and individuality, democracies either tyrannize on their own part over minorities or else yield themselves to the leadership or domination of men who best exemplify the popular jealousy of success and independence. From all this it follows that of all forms of government, democracy is the most inefficient and extravagant, the most factional and intolerant, the most hostile or indifferent to true progress." But these arguments are spurious and groundless. If only we may use Maine's method of reasoning, we can say that since democracy and universal franchise were introduced, far greater progress in arts and sciences has been than achieved before, as is shown by the advance of modern industry and science which has produced aeroplanes, radio, ever and now satellites and space shuttles which are by far the greater achievements than a spinning jenny or a thrashing machine.

7. Modem democracy is capitalistic and imperialistic.

Another criticism of democracy, which is usually advanced by the socialists, is that it is capitalistic and favours the richer classes. It is also pointed out that democratic States are dominated by the landlords, industrialists, financiers and big businessmen. Hence democracy is regarded as an instrument of domination and exploitation of the poorer classes by the richer classes. There is, indeed, a great element of truth in this criticism, as the nature and working of the governments of the democracies of Western Europe and America show us. The representatives who sit in the legislatures are generally the moneyed men, because they alone can foot the election bills. In U.S.A. most of the Senators and many members of the House of Representatives come from the richer classes because they alone can pay the huge expenses of electioneering. Another reason is that political parties are financed by the richer classes. In Britain, it is said, the Bank of England rules the country. Likewise, the American brand of democracy is called "Dollar Democracy". Finally, all the means and agencies of public opinion and propaganda, i.e., the newspapers, the radio, the cinema, educational institutions etc., are in the hands of capitalist classes who mould public mind and opinion in their own interests. Lord Bryce, who made a thorough study of modern democracies, came to the conclusion that the influence of money perverts legislation and administration. In Western democracies, a recent development of capitalist domination is the use of pressure groups of economic interests such as farming, armament, liquor, and especially banking and finance. Hence it is said that in theory the people are the sovereign, but in practice the true ruler is the Finance. The Western democracies have also been imperialistic, warlike and aggressive. They conquered and enslaved many countries and nations in Asia and Africa in the name of freedom.

8. Democracy suffers from the unhealthy and corrupting influence of political parties.

Political parties employ all means, fair or foul, to defeat their rivals and capture political power. At election time, they mercilessly butcher truth and shamelessly proclaim falsehood. The people are misled and bamboozled by false propaganda. They even use open or disguised bribery and intimidation to win elections. Party bosses dominate politics, and sacrifice national interests at the altar of party interests. Professor Barker remarks about democracy that when "all is said and done, it means the rule of the few manipulators who can collect suffrages in their own favour with the greatest success."

9. It is not a stable form of government.

Sir Henry Maine said that "popular governments lack stability. They have been repeatedly overturned by mobs and armies in combination," because "they rest upon universal suffrage, which is the natural basis of tyranny." Hence, he adds, this form of government does not have a long future before it, but has an "ephemeral duration." There is some truth in this assertion. There is a danger in the democracy to become perverted by mob-rule, a danger which Aristotle had pointed out long, long ago. It is shown by the history of revolts and revolutions in many democratic governments in several parts of the world, e.g., France, Latin American Republics, etc.

10. Democracies are weak in times of war and crises.

Experience of the two World Wars and the rise of dictatorships in Europe have shown that the Western democracies are slow in planning and weak in action during war and other national crises. This is due to the fact that democratic processes are slow and democratic decision is made after discussion and consultation. That is why some critics complain that parliaments are mere "talking shops" which hinder governmental action. Lord Baldwin remarked that "democracy is always two years behind the dictatorship."

Defence of Democracy.

We have mentioned a number of defects and drawbacks of democracy. But we should also look at the other side of the picture. Democracy has also many merits and advantages.

Merits.

1. It stands for the welfare of the people.

Democracy is the government of the people for their own welfare and happiness, because it has tremendous reserves of popular energy. J.S Mill, one of its great advocates, has pointed out two reasons why democracy is superior to all other forms of government in promoting the welfare of the nation. Firstly, democracy alone enables the individual to "stand up" for his rights and interests, and secondly, it alone attains a high degree of general prosperity because it enlists the personal energies of the people for promoting and spreading it. Everybody feels greater incentive to work hard for the welfare of the community because he feels that his country's laws and government is his own.

2. It is based on equality.

Democracy is based on political equality, that is, everyone is fit to participate in the business of governing his country. It rejects the aristocratic belief that some persons are born to rule and others to be ruled.

On the other hand, it upholds the right of each man to rule and be ruled. In democracy the people are at once the sovereign and the subjects, the rulers and the ruled. Moreover, democracy also provides equal opportunities to all citizens for personal betterment and happiness. It rejects all kinds of distinctions and advantages derived from class privileges of birth or wealth. That is the reason why democracy has been described as a great leveller. It repudiates special privileges and other inequalities, as existed in the feudal society of landlords and nobles, and in other past societies. In democracy, one man is as good as another and has the same chances of self-development and happiness.

3. **It upholds liberty and fraternity.**

Quite obviously, democracy is based on political liberty, because it exists only when every citizen has the right to vote, to hold public office, criticise the government and enjoy other rights. Democracy encourages the people to enjoy liberty and freedom of thought, speech and association. It affords far greater scope for individual liberty and variability than any other form of government because it accords with the general will of the people. It is that form of government in which those who hold supreme power are not only elected by the people but also are subject to popular control and responsibility, which is done by holding elections at regular intervals. It is this representative and responsible character of democracy that made J.S. Mill define it as that form of government in which "the whole people or some numerous portion of them exercise the governing power through deputies periodically elected by themselves."

4. **It is an efficient form of government.**

The advocates of democracy refute the charges of inefficiency and incompetence on the basis of its elective and responsible nature. They assert that popular election, popular control and popular responsibility ensure a greater degree of efficiency than any other system of government. They justify their claim of efficiency on the plea that as the people themselves elect their rulers, they get a better kind of government and better laws because they conform to the wishes and opinions of the people. The wearer knows where the shoe pinches. It is only in democracy that the people can influence the government discussion and decisions than in any other form of government, whether a monarchy or a dictatorship. Thus democracy insures the double advantage of efficiency and good government.

5. **It ensures stable government.**

Due to popular participation, popular control and responsibility, democracy is a far more stable form of government than any other. The people know that the government is their government, elected by them and responsible to them. They take pride in it and are ready to defend it in times of danger or crisis. It enjoys popular support. It is based on the consent of the people. There is little or no chance of revolt or revolution against a democratic government, because the people can change it by peaceful and constitutional means of elections and by freely expressing public opinion. Elections are the safety-valves of popular government. Democracy is immune to revolutionary upheavals and changes, because it is supported and defended by the people. The strength and stability of democracy was demonstrated by the World War II which was a war between democracy and dictatorship. Popular support enabled democratic governments to defeat and crush the German, Italian and Japanese dictatorships.

6. It has great educative value.

The greatest merit of democracy is its educative value. It has an elevating influence on the character of the people. It develops the intellectual and spiritual qualities of men. By affording opportunities to participate in elections and public discussions and decisions, democracy stimulates interest among the people in public affairs. It strengthens their patriotism by allowing them a share in its administration. Democracy means not only good government but also self-government. It is government by the people. The supreme test of a State, says Lowell, is the kind of character of the people it creates, "The best government in the long run", he says, "is one that nurtures a people strong in moral fibre, in industry, self-reliance and courage." Democracy produces just this kind of character. Participation in political discussions and decisions makes the people intelligent and politically conscious. They learn to work together in a spirit of cooperation and tolerance. Although an ordinary man may not possess much knowledge of government, yet by active participation he learns much about it. He acquires civic sense and is willing to fulfil his duties and responsibilities. He becomes an enlightened citizen. He becomes a good citizen, as he learns to sacrifice his narrow, personal interests for the common good of all. In short, democracy enables the individual "to be his best self. De Tocqueville rightly remarked that one of the great advantages of democracy is that it serves as a sort of training school for citizenship.

7. Democracy is based on an optimistic view of human nature.

It believes that, in spite of certain shortcomings and handicaps, human nature is inherently good and perfectible. This view rejects the old belief that human nature cannot be improved by education, training and better environment. For example, writers like Herbert Spencer tried to show with the help of Biology and Psychology that defects and deficiencies of mind and character cannot be removed by better education, better houses and better environment. Democracy rejects this belief and takes an optimistic view of human nature. It believes that given good and healthy environment, better education and better living conditions, and unhampered opportunity for self-development, common men and women can also achieve great things. The history of the Soviet Union proves that "the sons and daughters of former slaves, cobblers and peasants can develop into great generals and scientists, if the entire environment is improved."

8. **It is not based on the psychology of power or fear.**

All other forms of government, except democracy, are more or less based on the psychology of power and fear. Some of them, like the Fascist dictatorship, idealise power and boast of it. The people have no check on that authority. In democracy, however, authority does not come from above. Its only source is the people themselves. They exercise check on authority. Democracy makes authority a trust. Those who exercise authority are elected by their fellow citizens for short terms of office and are responsible to them for the exercise of the trust reposed in them. This trust is justified by promoting welfare by them.

Future of Democracy.

We have outlined above many advantages and drawbacks of democracy. Since its rise and development, democracy, both as an ideal and as an institution, has been severely attacked by its opponents and also stoutly defended by its votaries. In recent years the controversy over democracy has become sharper still. The rise of dictatorships in modern times has cast a doubt as well as a shadow over its future. It is now often asked whether it would survive in future or not.

Democracy, no doubt, suffers from several defects. It has failed to realise some of its ideals. It has not promoted the brotherhood of man. It has not put an end to wars and bloodshed. Rather wars and bloodshed have increased in number, frequency and ferocity since Western Democracies came into being more than two hundred years ago. Wars among the nations of the world, popularly called world wars, are the results of the imperialistic greed and grab of these democracies. Internally, democracy has introduced dirt and intrigue in politics. Many a time democratic governments have denied civil liberties and rights to its citizens. Lastly, through not in the least, democracy of the Western type has not yet solved the problems of social and economic ills: it is still a political rather than a social and economic democracy. Social and economic inequalities still exist. Wealth is still concentrated in few hands. The great majority of the people are still denied equal opportunities for health, wealth and happiness.

But when all is said and done, democracy is found to be a far better form of government and State than all other non-democratic and anti-democratic governments of the recent and remote past. Indeed, as Lowell said, no form of government is panacea for all human ills. No one can deny the defects of democracy. But no one should also shut his eyes to the merits and achievements of democracy. 'Things may be bad today, but they were worse yesterday." Mankind has tried absolute monarchy, aristocracy and dictatorship and found them to be oppressive, tyrannical and unprogressive. Democracy, on the other hand, contains within it seeds of justice and general welfare, and progress. Democracy means responsible power, while all other governments mean irresponsible power which ultimately corrupts even saintly men. That is why the people are not willing to give up democracy for any other form of government. One denies," says Burns, "that existing representative assemblies are defective, but if an automobile does not work well, it is foolish to go back to farm-cart, however romantic." Furthermore, the remedy of the ills of democracy is not less but more democracy. It means, moreover, that the success or failure of democracy depends upon the character, intelligence, and civic sense of the common people and on their loyalty to democratic ideals and institutions. It is a people's government, which people alone can defend. As Laski remarks about it, "Untidy, slow to act, often confused; it quarrels within itself. But it has deep reserves of energy upon which it can call. If it bends often enough, it scarcely breaks. If it is slow to mobilise its powers, when they are mobilised, it goes on to the end with an impressive determination."

Dawn of Democracy the world over:

As we said in the previous sections, several democratic governments were overthrown by dictatorships of various types during the early decades of the present century, such as in Russia by a Communist dictatorship, in Italy by Fascist dictatorship or in Germany by Nazi dictatorship. Later on, many more dictatorships were established in Asia, Africa, and Latin America. The success of dictatorial system of government was so great that democracy was then believed to be doomed to extinction for ever. But the tide of dictatorial system turned in the middle of the eighties of the twentieth century. Indeed, the year 1988 can be regarded as the turning point in the political history of mankind when, one after the other, dictatorial governments were overthrown and replaced by democratic or near-democratic governments in several countries of Europe, Asia and Latin America. They are, firstly, the Soviet Union. A totalitarian dictatorship had existed in it from about 1928, when Stalin rose to power and established a highly repressive dictatorship in the country. It lasted till Mikhail Gorbachev assumed power and became the President of the USSR in 1990. He has modified Soviet totalitarianism to some extent under his programmes of *glasnost* (openness) and *perestroika* or restructuring of the political and economic systems in his country and more reforms are promised by him. Following the Soviet example, democratic reforms have been introduced in the Soviet - dominated Communist countries in Eastern Europe, as for example in Poland, Hungary, Czechoslovak and East Germany. In East Germany, the democratic wave has surged so far that the rebellious mobs of East Germany have pulled down the Berlin Wall which had curtained off East Germany from the democratic West Germany for the last 30 years. The people of East Germany have, now for the first time, the right to travel freely to West Germany. Soviet Union has also relaxed restrictions on foreign travel for its citizens. As a result, thousands of Jews are leaving Soviet Union to settle in Israel and other countries of the West. In Eastern Europe, Romanian Communist system was overthrown by a bloody revolution against the dictator, in early 1990. In China, North Korea and Vietnam in the Far East some economic reforms and market economy are being re-introduced. But democratic reforms and liberalism are still frowned upon in these countries. So is the case in the Communist Cuba in Latin America. Even in the Soviet Union, democracy has been, so far, only partially introduced. For instance, no civil rights are yet granted to the Soviet citizens.

In the non-Communist countries of the world, dictatorships are also being undermined. In Pakistan, for instance, the military dictatorship of Gen. Zia-ul Haq came to an end and democratic government was ushered in 1988 Two years earlier, Marcos dictatorship was overthrown in Philippines and democratic government was established under its woman President, Corazon Aquino. In South Africa, the White racialist Government, which had denied human rights and democracy to its Black majority by means of the cruel system of racial segregations, called *apartheid*, is now introducing some democratic rights by abolishing apartheid and granting to the Black majority the right to vote in general elections. In South America, also, several dictatorships have been or are being overthrown and democratic governments set up such as in Argentina, El Salvador, Chile, etc.

In short, a democratic wave is surging up in one country after another all over the world. Nevertheless, in several countries, the old and new dictatorships are still going strong. For example, in Burma, the military dictator has crushed the democratic upsurge in the country. In several Arab countries, monarchical autocracy and dictatorships still exist, e.g. Saudi Arabia, UAE, Libya and Iraq. In these countries, no opposition parties exist and their citizens do not enjoy such civil liberties as the freedom of the press, of opinion and political right to vote and elect governments of their choice. Even in India, which claims to be the "biggest democracy" in the world, its Muslim and other non-Hindu minorities do not enjoy many civil and political rights, even though these are guaranteed 'to them on paper by its Constitution. The Indian Muslims are the most oppressed community in this Hindu-dominated country. They are denied the religious right to worship in their own way and their places of worship, such as Babri Masjid in Ajodhiya in northern U.P., are have been demolished while hundreds of Muslims have been killed and many more maimed and their houses burnt down or demolished by the fanatical Hindu mobs.

All this shows that democracy has not as yet won full, complete and universal victory over dictatorship and dictatorial ways of government all over the world. However, it is now undeniably certain that democracy will finally triumph all over the globe during the 21st century and dictatorships and tyrannies of all types will be totally condemned and discarded by the whole mankind.

Islamic Concept of Democracy

Islam upholds democracy as the only rightful form of State and government. It is shown by (i) Islamic history of the days of the Holy Prophetﷺ and of the four Pious Caliphs *(Khulfa-e-Rashideen)*, (ii) by the teachings of Islam, (iii) by the theory of Khalifa and (iv) by the theory of *Sharia*.

The Islamic State, built by the Holy Prophetﷺ at Medina and preserved by the four Pious Caliphs *(Khulfa-e-Rashideen)* was a democratic State, in which all decisions, outside the Quranic revelations, were made after consultation among the Companionsرضي الله عنهم (Sahaba) of the Holy Prophetﷺ. The Medina Republic was a political community of the two Muslim groups, the Muhajireen and Ansar, who were bound together in Islamic brotherhood, and their loyalty and obedience to Allah and the Holy Prophetﷺ. They had discarded all differences and distinctions of tribe, clan and race and had formed as a community of believers, called '*Ummah*', who are united by their belief in *Tauhid* Allah.

Islam is a democratic religion.

The Holy Quran repeatedly enjoins on the Muslims to settle all of their matters by mutual consultation among them. It says, "And those who respond to their Lord and are constant at prayer and whose affairs are by consultation among themselves and who give out of what we have given them." (Surah 42; verse 38) The Quran also proclaims that all Muslims are brothers and equal. Indeed, brotherhood and equality are the essential basis of its social and political democracy.

Political democracy in Islam is further substantiated by its theory of Khalifa or caliphate. As we have said in a previous chapter, caliphate is a democratic State, based upon the equality of all Muslims in the election of the Caliph or Head of State. Moreover, the Caliph will not decide anything without consulting the citizens, excepting those about which there exists a clear Islamic injunction in the Quran and Sunnah. The institution of *shura* or consultative council is a democratic institution. Islam abhors despotism, tyranny and oppression. It was only when reaction against Islamic teachings began under the Umayyad Caliphate that absolute monarchy got developed among the Muslims.

Lastly, the theory of *Shariah* is also steeped in the ideology of democracy. As we have said in a previous chapter, all the sources of Shariah, such as *ijma, ijtihaad, istihsan* and *istislah*, are all highly democratic in nature. For instance, ijma requires that a new law in the

Islamic State will be based on the consensus of the whole Muslim community (Ummah). The principle of ijtihaadi legislation, as expounded by Allama Iqbal, can be applied as a democratic institution of the Islamic State. In other words, the Shariah has developed democratic political and social institutions in Islamic societies. We may conclude that the spirit of Islam is democratic in all its meanings, social, economic, political.

Chapter 26

Unitary and Federal States

Modern States are too large to be administered by a ruler or a government, dwelling at the capital. They have to be divided and subdivided into a number of administrative areas, which are variously called provinces, States, cantons, departments, counties, etc., and their subdivisions, called districts, tehsils, etc. Each of these divisions and subdivisions has its own body of administrative officials and departments, called the Provincial and Local Government officers and departments, as distinguished from those of the Central Government at the capital. The relations between the Provincial and Central Governments can be organised in two different ways, which give us two kinds of States, viz., unitary and federal.

UNITARY STATE

What is a unitary State.

A unitary State is one in which the supreme governmental authority is vested by the constitution in a single central government which rules the whole country. For administrative convenience, the country is divided into various provinces, cantons or departments, with their own local administrative bodies. But these local governments exercise only such governmental powers as are delegated to them by the central government. In other words, the relations between the central government and the local governments in a unitary State are those of subordination and under central administrative control. All powers of the State are concentrated in the central government. The local administrative bodies exercise only delegated authority. The central government also determines when and how much of the authority shall be delegated to the local bodies, and even what shall be their territorial boundaries and departmental structures and functions. Thus, in a unitary State, the local governments have no autonomy. They are mere administrative agents of the central government. As the latter exercise supreme and final powers, the constitution, of a unitary State is not supreme and rigid. England, France, Italy, Iran, etc., are the example of unitary States.

Merits.

The great merit of the unitary form of government is its strength and vigour. The central government, with its vast powers and control over local administrations, can deal effectively and vigorously with all questions internal and foreign. It checks centrifugal forces and saves administration from disruption. The strength of the centralised unitary State is especially manifested in foreign policy and national defence. Another advantage of this form of government lies in the uniformity of laws, policy and administration throughout the country, because there are no autonomous units in it, as they are in a federal State. Finally, the unitary State is simple in organisation, as there is a single administrative system to execute laws and policy. This saves money. It is, therefore, less expensive form of government than the federal one.

Demerits.

Modern experience has shown that large territorial States, with their great diversity of culture, language and tradition, cannot be effectively and efficiently governed from a single centre. These conditions demand a federal form of government. A centralised, unitary government is inclined to disregard local needs and interests. It is partly because it is situated far away in the capital, but mainly because it has neither knowledge nor contact with local conditions and affairs. Concentration of power tends to make the central government despotic. The subordinate position of the local government deprives them of initiative and time to devote to local affairs without first getting orders or powers from the superior central authority. Hence they usually neglect them. Central authority impairs the vitality of the local governments, and facilitates the development of a centralized bureaucracy. Really, a unitary State suits a small country, while for a large territorial States the federal form of State is more suitable.

FEDERAL STATE: FEDERALISM

Definition.

A federal State is one in which the supreme powers in the State are distributed by the constitution between a central government and the governments of the federating units, making each government supreme within its own sphere of powers. As distinguished from a unitary government, a federation is a dual government, with two sets of governments, each of which exercises supreme and original authority within its sphere of powers as defined by the constitution. According to Hamilton, a federation is an association of States forming a new one." In the opinion of Dicey, it is "a political contrivance intended to reconcile national unity with the maintenance of State rights."

Federal State is distinct from the unitary State. In the unitary State, the governmental powers are concentrated in a single organ of the State, while in the Federal State they are distributed between two sets of governments, federal and constituent governments. The distribution of powers is in such a way that the government of the federating unit exercises supreme and original authority within its own sphere of powers, not derived or delegated authority from the central government, as the local government of the unitary State does. These powers are not the grant of the central government, but the gift of the constitution. The government of the federating unit is not subordinate to the central government. Both are supreme within their spheres of powers, as defined and demarcated by the constitution. Neither of them can interfere nor encroach upon the powers of the other. Hence, unlike the local government of the unitary State, the form and functions, the territory and authority of the component units of a federation cannot be increased, decreased or otherwise modified by the central government. If any change is to be made, it can be done only by amending the constitution, and with the consent of the constituent unit or units.

Nature of the Federation.

Federation is a device to harmonise the need for local autonomy with the necessity of preserving the unity of the State. This requires that there should be government for the country as a whole to administer national affairs and other governments to look after the needs and interests of local areas in such a may that both sets of governments are supreme within their own spheres. Hence the most important characteristic of a federation is the formal distribution of sovereign powers between the federal government at the centre and the governments of the federating units. "A federal constitution attempts to reconcile the apparently irreconcilable claims of national sovereignty and State sovereignty." It does not divide sovereignty between the two sets of governments, because to divide sovereignty is to destroy it. It only distributes sovereign powers between them. Sovereignty lies neither in the federal government nor in the federating units, but in the constitution-amending power, as prescribed in the constitution.

A federation is a 'union of governments'. It has the following distinctive features:

1. Federation comprises two sets of governments, federal and federating governments.

2. The supreme powers are divided on the principle that matters of common interest or of national importance are entrusted to the central government, while local matters and interests are entrusted to the unit governments.

3. Federation envisages a union rather than unity. It creates a dual government and not a unitary one. The federating units preserve their separate, autonomous and distinct entity and exercise supreme and original authority within their spheres of powers. They are not reduced to nonentity as are the administrative units of a unitary stale. They are no mere agents of the central government, and do not exist on its discretion. They have their

own separate and autonomous existence, guaranteed by the constitution, on which also depends the existence of the central government.

4. The States which federate into a union lose their former sovereignty because their union creates a new State which now becomes sovereign.

5. A federation" is made: it does not grow.

6. It has a written constitution so as to prevent any doubt or dispute about the distribution of powers between the federal and federating governments. Neither the federal nor the unit government can amend the constitution with a view to redistributing the supreme powers.

7. The constitution clearly prescribes the process of amending it. The constitution is supreme. Sovereignty lies with the body or bodies which have the power to amend the constitution.

8. Federation is a permanent union. This feature distinguishes it (i) from a confederation which is a loose and limited union of State and (ii) from alliances of sovereign State, such as N.A.T.O. or the U.N.O.

Origin of Federal States. There is no uniformity in the way in which the federal States are created. It depends on the historical conditions, the purpose and aims of the federation and the geography of the federating States, to determine in what way of a federation would come into being. Broadly speaking, the federal[1] unions are the result of two opposite forces, the centripetal and centrifugal tendencies of the federating States. In other words, a federation is either a result of integration or of decentralisation. In the case of integration, a number of sovereign States voluntarily decide to unite together into a single federal State in view of a common foreign danger of aggression and for common defence or of some economic advantage resulting from union. Such a union is a result of centripetal forces. The federations of the U.S.A., Switzerland and Australia came into existence in this way. The second method of creating a federal State is the decentralisation of the existing unitary State. Such a State is usually too large to be administered conveniently from a single governmental centre. It has also a great diversity of language, culture and local interests which could be satisfactorily looked after by the autonomous local governments. These are the centrifugal forces which require that the former unitary State should be transformed into a federal union. The federations of Bharat, Pakistan and the Soviet Union came into being in this way.

Essential Conditions of Federation.

There are conditions which would favour centripetal or centrifugal forces to create a federal State and preserve its existence, such as follows:

1. Geographical Contiguity.

The States which seek to form a federation should be geographically near each other. Geographical contiguity is certainly a favourable and even a necessary condition for the success of a federal State. If the component units are situated far apart, it would weaken the State in so far as its military defence and national unity are concerned. It will hinder the growth of national unity and culture. It will hinder communication and intercourse between various parts of the federation. Distance also leads to difficulties of co-operation for other purposes. This is the reason why the British Commonwealth cannot become a federation. Moreover, some of the problems with which we in Pakistan were confronted arose due to the long distance between East and West Pakistan, which led to the secession of East Pakistan as Bangladesh.

2. Desire for Union.

Usually a federation is formed by the adjacent States which seek to unite together into' a single State in face of a common danger from a powerful neighbour. The need of common defence becomes a centripetal desire for union. Thus the U.S.A., came into being out of the thirteen Colonies which individually felt too weak to defend themselves against Great Britain and France. The Swiss Confederation was the result of the same desire for protection against powerful neighbours.

3. Desire for local Independence.

A mere desire for union would create a unitary State. It should be counterbalanced by an equally strong desire of the component units to preserve their local independence and autonomy. A federation comes into being only when, as Dicey puts it, the federating units seek union but not unity, that is to say, when they are willing to surrender part of their sovereignty but not the whole of it to the central government. They still want to retain supreme authority over matters of local interest and importance.

4. Common economic interests.

Sometimes States form a federation for common economic interests. The federation of the German States in the 19th century was preceded by an economic union.

5. Community of cultural and other interests.

Another factor which favours the formation of a federation is the community of culture, language, religion, customs, historical traditions, etc. The community of these interests make a people a nation. "The aim of federalism is to produce a unified nation, and complete unity demands that the boundaries of State and nationality coincide." For instance, the federation of Pakistan is a result of the community of culture, religion and historical traditions. The present-day growing integration of the Arab States, e.g. U.A.R., is also due to their national unity of language, culture, historical traditions, etc".

6. **Equality among the component units.**

A condition which is essential for preserving and maintaining a federal union is the constitutional equality of all the component units, big or small, weak or strong. If the position of a component unit depends upon its relative strength, resources and size, it will weaken the federal unity, because the strong would be inclined to dominate the weaker members of the federation and take undue advantage of their weak position. It will also excite jealousy and rivalry among them. This was best illustrated by the dominating position of Prussia "in the German Empire. Hence the need is to treat all component members of a federation as equal in matters affecting the federation. This is usually done by giving them equal representation in one of the houses of the federal legislature, called the principle of parity.

7. **Political Ability and Legalism.**

Federalism is a difficult form of government, for it is a compromise between two contrary tendencies towards unity and autonomy. If too much of unity is aimed at, it destroys the federal structure and autonomy of the component units; but if autonomy of the units is too much emphasised, federation ceases to exist and a confederation or union of several States comes into being. Hence, the continuance and preservation of a federation demand that the citizens must have greater political ability and respect for their constitution than those of a unitary State. They should be able to appreciate their double allegiance both to the central and the unit government. They should also have a developed sense of legalism, that is, a general willingness to accept the decisions of the law-courts, as they interpret the constitution.

Salient Features of a Federation.

As distinguished from a unitary State, a federation has the following characteristics:

1. **Supremacy of the Constitution.**

The supremacy of the constitution lies in the very nature of the federation. A federation is an agreement between two-or more sovereign States to form a new State in which they exercise certain specific powers. This agreement is the constitution. It defines the powers and functions of both the central and provincial or unit governments. It must of necessity be supreme over both, so that none of them may violate its provisions and encroach upon the rights and powers of the other. The supremacy of the constitution ensures that the two sets of authorities, central and provincial, remain within their allotted sphere of powers. If any one of them does something against the laws of the constitution, its act is illegal and invalid, because it is unauthorized by the constitution. If any change in the powers of the national or provincial government is desired, it could only be made by amending the constitution according to the method laid down in the constitution itself. Thus is the supremacy of the constitution ensured. Its supremacy implies three things: (a) it must be a written constitution; (b) it must be a rigid constitution; and (c) sovereignty should lie with the constitution-amending body.

(a) ***Written Constitution.*** Constitution must be an inviolable document so that neither the central nor the provincial government may be in doubt about its powers and rights granted by it. In other words, the federal constitution must be written and definite so that there may-be no dispute or doubt about its provisions. Really speaking, sovereign States federate only' when they know that their rights and powers are secure under a supreme, definite and written constitution.

(b) ***Rigid Constitution.*** Rigidity requires that the constitution can be amended by a definite and difficult process only, which the central government or the unit government cannot set into motion by itself. Thus it will remain supreme and binding on both.

(c) ***Sovereignty of the amending authority.*** Sovereignty in a federation lies neither with the federal government nor with the federating governments. It lies only with the constitution-amending body or bodies taken together, as provided by the constitution itself. It means that the legislatures of the central and provincial governments are not sovereign law-making bodies, as they are subordinate to the constitution.

2. Distribution of Powers.

The essential characteristic of the federation is the distribution of powers between the central and federating governments, just as the basic feature of the unitary State is the concentration of powers in a single centre of authority. This is the essence of federalism.

Principles of Distribution of Powers.

There is no uniformity of principle and method of distributing powers in the various federal constitutions of the world. Each of them distributes powers according to its own needs and conditions in which the federation came into existence. Nevertheless there are certain principles which guide and determine the form of this distribution, as described below:

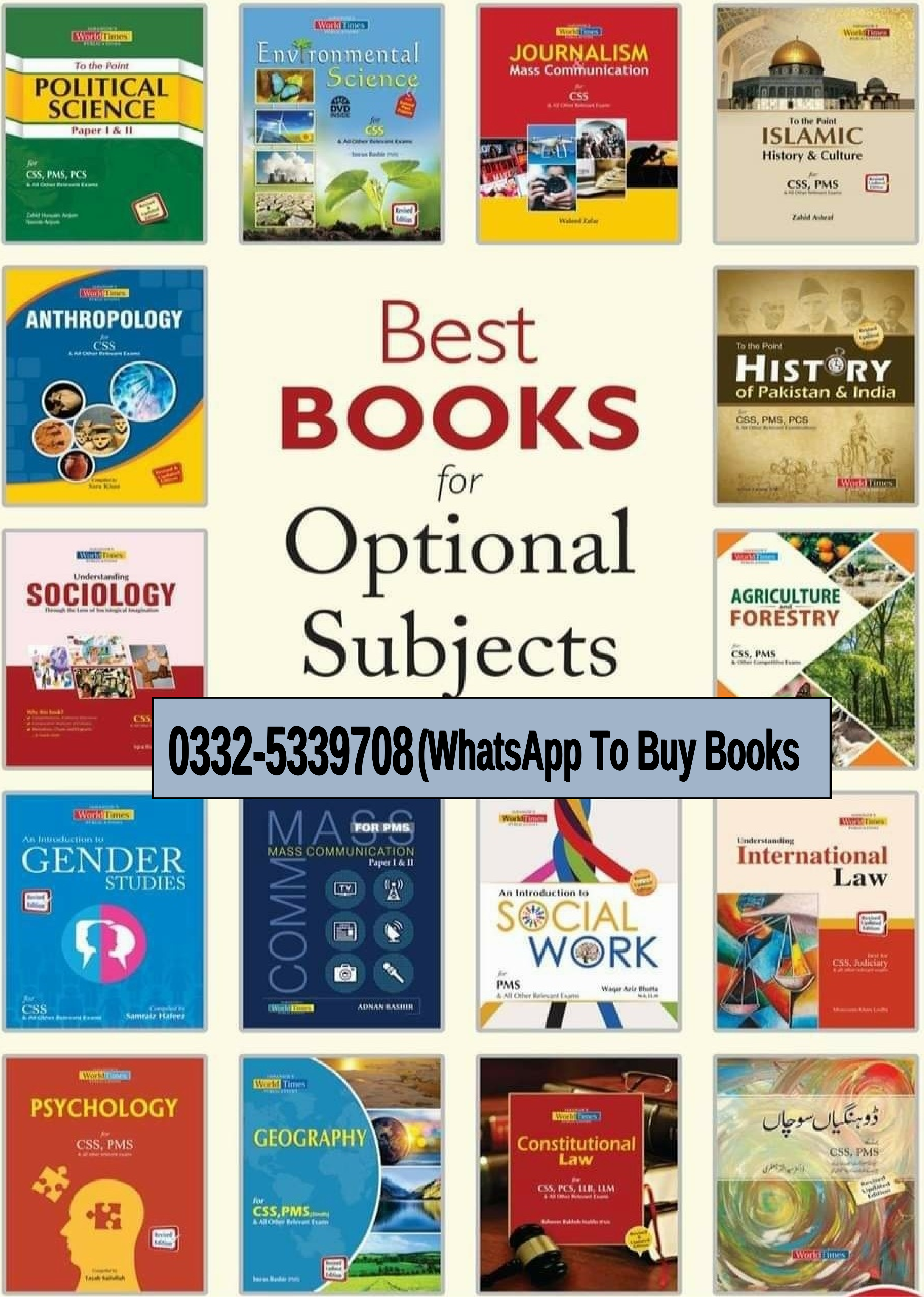
(a) ***Basic Principle of Distribution.*** The basic principle of distribution of powers in all federal constitutions is that matters of national importance and interest are allocated to the national or central government, while those of regional importance and interest to the competent units. As to what is of national importance of interest is determined by consideration of unity and security of the nation as a whole and the uniformity of treatment of certain matters on nationwide scale. Hence three kinds of powers or subjects are always allocated to the centre, viz., military and defence matters and foreign relations, for considerations of security of the nation. Currency, coinage, banking, tariffs, patents, copyrights, communications, citizenship and naturalisation, etc., and railways, shipping, weights and measures, criminal law and procedures, marriage and divorce laws, etc., are also allocated to the centre for the sake of unity and uniformity of legislation and policy for the whole nation. The subjects which are usually regarded as of local or regional importance and interest are education, public health and sanitation, local self-government, agriculture and land tenure, prisons, etc.

(b) ***Principle of Concurrent Powers.*** Certain subjects are of such a nature that they need to be legislated upon by both central and provincial legislatures. They are of both national and local importance. They are called concurrent powers. Both the Centre and the Units are given concurrent powers to legislate upon them. In case of conflict of laws, however, the federal law prevails.

(c) ***Three Methods of Distributing the Residuary Powers.*** As regards the actual method of distributing powers, there different ways are adopted, exemplified by the constitution of America, Canada and Pakistan (i) The first method is to enumerate the powers of the federal government, id leave the remaining powers to the component units. These remaining powers are called the *"residuary powers"* or the *"reserve of powers."* The aim of leaving the residuary powers to the federating units is to strengthen their position viz-a-viz the federal government. As they are left unenumerated, they tend to increase when new subjects arise, thus increasing the powers and strengthening the position of the component units in the federation. This method was adopted by the American Constitution, (ii) The second method is to define specifically the powers and subjects of the component units or provinces and leave the residuary powers to the federal government. This method aims at a strong centre. The Canadian Constitution is based on it. (iii) The third method is to enumerate the powers in three separate lists of federal, provincial and concurrent powers. The Constitution of Pakistan of 1956 had adopted this comprehensive method. Really, it was first adopted in the Government of India Act of 1935. It is also being followed by the Constitution of Bharat. In this case, the principle of residuary powers assumes a new form. Although the framers of the constitution endeavour to enumerate all possible governmental powers and functions in three different lists, yet some new matters may arise in the future. These are also called the residuary powers. In the Pakistan Constitution of 1956, the residuary powers were allocated to the Provinces, while in the Indian Constitution to the Centre.

3. Supremacy of the Judiciary.

In other to preserve the supremacy and inviolability of the constitution and prevent the interference and encroachment by the federal or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provincial governments on the sphere of powers of the other, the federal judiciary is entrusted with the duty of protecting and interpreting the constitution. In this respect, the federal judiciary, that is, the supreme or the federal court performs two kinds of function. Firstly, it interprets the constitution whenever there is a dispute regarding any provision of the constitution between the federal government and one or more unit governments or between two governments of the component units. Secondly, it preserves the supremacy and inviolability of the constitution by declaring any law of the central or provincial legislature as *ultra vires* and therefore null and void, if it relates to matters outside its list of powers or violates any provision of the constitution. Thus the court acts as its custodian or guardian. In modern times, however, the judges interpret the constitution in such a way as to strengthen the hands of the central government as against the unit governments. This is done by applying the doctrine of implied powers, that is, the powers not specifically allocated to the centre but implied in other powers specifically allocated to it are also presumed to be given to it. Thus the centre becomes stronger by judicial interpretation. This is particularly true of the American Supreme Court which has since long applied the doctrine of implied powers and has thereby enhanced the powers of the U.S. Federal Government.

4. Bicameral Legislature.

A federal State is a complex organisation. It requires that there should be a double mode of representation; one for the country as a whole anr[1] another for the component units as such. It therefore requires two chambers. Moreover, the component units may differ in size, population and resources. Yet the principle of equality-or parity requires that they should have the same voice and equal representation in the federal government. In view of these requirements, a federal legislature consists of two Houses, one of which represents the nation as a whole, while the other represents the component units on an equal basis. That is the-reason why bicameralism is a necessary feature of the federation.

Problems of Federalism.

Federalism means the method and the form of dividing the powers of the central and unit governments in such a way that both remain co-ordinate and independent within their spheres of powers. It is confronted with several problems. They are variously solved in different federations. The most important of them are:

1. ***A satisfactory distribution of powers.*** Every federation is confronted with the problem of distributing powers between the federal union and the component units in such a way that the central government remains efficient while the diversity and autonomy of the component units are secure. In other words, the problem is that the centripetal forces for integration should not be so strong as to impair or destroy the autonomy and

diversity of the units, and at the same time the centrifugal forces for autonomy and diversity should not be given so much scope as to weaken and destroy the federal union. A via media must be found and a balance of power between the two should be maintained. It is a difficult task because it requires that the two parts of the federation, the central and the units, should have an equal, co-ordinate and independent status. The general principle of the distribution of powers is easy to State: that which concerns the whole/nation should be allotted to the national government; and that which is of local interest and importance should go to the unit government. In practice, however, it depends upon several other factors- as to how the distribution is actually made in a federation, such as the historical conditions, motives and aims of federation, etc. The crux of the problem, however, is: how to prevent} the encroachment on the sphere of powers of the one by the other government of the federation. The purpose is achieved differently in different federations. The most common safeguard is the establishment of an independent court to interpret the constitution and decide conflicts of jurisdiction between the centre and the units. The Constitutions of U.SA., Pakistan, and Bharat have each set up a Supreme or Federal Court for this purpose. In the Swiss Federation, however, the people settle such constitutional disputes by the referendum and the initiative. Another method of safeguarding the allotted spheres of powers is by making the constitution rigid, that is, it can be amended by a different process from the ordinary law-making process of the central or provincial legislatures. Lastly, it is ensured by making the principle of equality of the component units and other rights of the units a part of the constitution, which cannot be altered except with the consent of the unit or units concerned.

2. ***Protection of the smaller units against dominance by the larger.*** The units in a federation are not equal in size, population and resources. Hence the smaller units are in danger of being dominated by the larger ones in legislation and financial matters. In order to safeguard the position and interests, of the smaller units, certain measures are adopted. Firstly, all the component units have equal representation in the national legislature, irrespective of their size or population. For instance, in U.S.A. all the component States have two seats in the Senate. Another method is to require that an amendment of the constitution is valid only when ratified by a majority of the component units.

3. ***Organisation of the relations between the Centre and the Units.*** The essence of federalism is the equality of status and the co-ordinate and independent position of the Centre and the Units in respect of their relations. An ideal federation is, therefore one in which each of them work within its allotted sphere of powers without any relation-with the other. But in actual practice it is impossible. The needs of security and unity of the

State as a whole and of the uniformity of laws and policy compel the centre to enter into relations with the units in such matters as administration, finance and legislation. These relations are of several kinds. They are established by law or by usage. The American Constitution provides that the Federal Government guarantees to each Federating State republican form of government and protection against invasion. Some of these relations are established by usage. For instance, the Federal Government in the U.S.A. gives grants-in-aid to the component States for the development of agriculture, vocational education etc. It is not binding on the State to accept i.e. but if once it receives that grant-in-aid, it binds itself to federal control in respect of the activities for which it received the money. In administrative matters, the relation between the two governments arises regarding the question of enforcing the federal laws. In U.S.A. and Brazil, the Federal Government enforces its laws by means of its Federal officials. This duplicates the administrative services and increases the expenses of the State inasmuch as there are two civil services, the federal and the local. In German and Swiss Federations, the federal laws are executed by the officials of the unit governments. The federal government maintains only such services which are its exclusive functions, e.g., the foreign or military services.

4. ***A satisfactory method of amendment.*** The federal constitution is supreme over both the centre and the units and, therefore, it should be so framed that neither of them could amend it against the interest and consent of the other. This can be done in the following way: firstly, by making it impossible to amend the constitution by either the Centre or the Units alone: secondly, by making it rigid, that is, by providing that it could be changed only by a different and difficult process of amendment from the ordinary legislative process: thirdly, by giving a share to both the Centre and the Units in the amendment procedure so that neither the centre nor the larger units could bring a change in the constitution without the participation and consent of other units.

5. ***Secession.*** One of the problems of a federation, which may even become a danger to its existence, is that of secession. A federal State is an agreement between two or more sovereign States to join together into a union which creates a new sovereign State. But the question is: Has any one or more of the component units the right to break away or secede from the federal union and become once again a sovereign State? This is the problem of secession. It is not merely an academic question. It has been a cause of the Civil War in the U.S.A. during 1861-64 and of a brief civil struggle in Switzerland in 1847. Even today it is a cause of political struggles and tensions in several federations, as, for instance, in the Indian Union, the Dravidian Deccan, the Nagas, Sikhs and Kashmiris are agitating for secession and independence from India. However, none of the federal

constitutions in the world, except that of the Soviet Union, recognises the right of the component units to secede from the federal union.

Merits of Federation.

The federal form of State has been commended by writers since Montesquieu. They declare that it has so many merits and advantages that future governments will be-federal in form.

1. ***Federation combines that merits of unity with diversity.*** A federation is a compact between several States to establish a united State, in which the federating States do not lose their individuality, and their diversity and autonomy. Thus they combine the advantages of strength that result from unity with the vitality and progress that result from diversity and autonomy. Thus federalism presents a happy blending of centralization and decentralization or national unity with local autonomy. It furnished, as Garner says, the means of maintaining equilibrium between the centrifugal and centripetal forces in a State of widely different tendencies. It provides uniformity in legislation, policy and administration where uniformity is desirable and diversity where diversity is desirable.

2. ***Experimentation is possible.*** From the above merit follows another advantage. Diversity and variety of administration, legislation and policy in various units makes it possible to experiment in new ways and methods of law and administration without affecting other units! If the experiment in successful, it is adopted by other units and even by the national government for the whole country.

3. ***Federation creates new states by peaceful incorporation and voluntary union.*** Unitary States generally come into existence by war and forcible conquest. But federation usually creates States by peaceful integration and voluntary union. The U.S.A. came into being by the voluntary union of the thirteen revolted Colonies of North America in 1787, and the six States of Australia formed the Australian Federation in 1902. More recently, the Union of Soviet Socialist Republics was established by a Union of 15 Republics. Such a voluntary union of independent States, Gettel says, "has made possible incorporation without conquest." Federalism has thus been the means of uniting many small States which would not have otherwise given up their sovereignty.

4. ***Federal unification brings strength, progress and prosperity to the small States.*** A small State has neither the resources of manpower nor strength to develop its industry and agriculture, commerce and trade, science and technology, arts and culture. But when several small States combine into a federal union, their resources of manpower, skill and talents are multiplied manifold which enable them to develop their economy, science, culture and society. This has been proved by the rise and development of the U.S.A., Canada, Australia, etc. More recently, it has been illustrated by the progress of the Soviet Union. Unlike U.S.A. the

Soviet Union is peopled by several races and nationalities with a great variety of religions, languages, customs and traditions. By uniting into a single federal union, these diverse races and nationalities of the Soviet Union have achieved great progress in science, industry, arts, social life and culture.

5. ***Federation lessens the danger of international wars and enhances the prestige of the federal State.*** The integration of several small States into a big federal State also contributes to the lessening of international intrigues, disputes and wars. Small States are weak States. They are constantly exposed to the intrigues and intervention by powerful States. This increases rivalry and tension among them and becomes a source of international aggression and war. The armed intervention by the U.S.A. in the little Lebanon in 1958 and by Great Britain in the petty kingdom of Jordan is a proof that these small States are unable to resist aggressive intentions of Great Powers and are also the cause of increasing international tension and war. The same is true of the many small States in Africa today. When the small States are united into a great federation, they become internally strong to rebuff and prevent all foreign intervention and aggression within their borders. The basis of federalism is union and union is strength. One of the strongest motives of establishing a federal State is defence against powerful neighbours. Moreover, federation enhances the international prestige of the new State because it is strong, united and powerful. This is abundantly illustrated by the two great Federations in the modern world, the U.SA. and the U.S.S.R. Federation provides the only means of strength and defence to them against foreign intervention and aggression. Lastly, federation is also a source of dignity for the peoples of small States. An American citizen, for example, calls himself an American, because it is more dignified than to call himself a New Yorker or a Californian, although he may be an inhabitant of New York or California.

6. ***Federation suits a large State with great territory or a small State with great diversity.*** Federation combines the two advantages of liberty with autonomy. Geographical distance produces differences and diversity of interests, customs and conditions in a vast State. Liberty and democracy demand that they should be given proper opportunity for development and expression. A unitary State would wipe them out, but a federal State preserves them on the basis of local autonomy and national unity. Federation makes democracy workable over large areas, as is illustrated by such countries as U.S.A., Pakistan India and the Soviet Union. Gettel has rightly remarked that, except representation, nothing has done more to make democracy workable over large areas than the system of a federal government. John Fiske has aptly remarked that a federal State can be as large as a continent. At the same time, a federation also benefits a small State which has great diversity of religion, social customs, cultural or

ocial differences and historical conditions of the past. A unitary State will behave despotically as it will wipe out these differences, while a federal union will preserve them on the basis of liberty with unity. This fact is illustrated by the federations of Switzerland, Germany, etc.

7. ***It prevents despotic tendencies in a government. Great writers***, like Montesquieu, Lord Bryce and others have emphasized the merit of the federation as a check on the despotic tendencies of the government. The reason is that in a federation, the Centre and the Units serve as a check on each other as neither of them possesses sovereignty and yet each of them enjoys autonomy and independence within its own sphere of powers. The supremacy of the constitution and the independent position of the federal judiciary as a guardian of the constitution, act as checks on their despotic tendencies. Hence there is lessèr danger of the establishment of a centralized and despotic rule in a federal union which would not usurp the liberties of the people than in a unitary State.

8. ***Federation means local or self-government on a large scale.*** A federal State is far more democratic than a unitary State, for it is based on self-government and autonomy of all the component units. Democracy is self- government. Federation is, therefore, democracy on a large scale. A unitary State may give good government to the people. But good government is no substitute for self-government. Self-government stimulates the interest of the people in their local affairs, makes them more politically conscious and vigilant of their rights, liberty and administration, develops their civic sense, makes them more patriotic, public-spirited and duty-conscious, educates and enlightens them about the problems and difficulties of the State and society. As he has a double allegiance to both his local and national government, a citizen of the federal State has an opportunity to participate in the elections and administration of his own locality or province as well as of the national government. He has more freedom in moulding his own destiny as he has greater voice in the affairs of his own province or federal government.

9. ***Federation is more suitable for modern society than the unitary State.*** Modern society is becoming increasingly complex, with great diversities of economic, social, religious, cultural, intellectual and other interests and occupations. They can be properly preserved and developed when the State is federally organised. Laski and other Pluralists have, therefore, strongly advocated that modern State is and should be federally organised.

10. ***Lastly, federation is the only way by which the whole world can be united into a single State***, in which there shall be no international disputes and wars and mankind would enjoy the blessings of eternal peace and happiness in conditions of national liberty and progress.

Some writers even predict that the future world-State, when it comes, will be a world federation.

Disadvantages of Federation.

Federal State, however, is not free from several weaknesses and shortcomings. They are as follows:

1. ***Federalism is a source of weakness for the State.*** Federalism means a double system of government of the Centre and the Units. This duality is a source of conflicts in administration, legislation, finance and other government activities. As the functions, powers and authority in the federal State are divided between the central and units governments, the work of the federal State can only proceed through negotiations and even protracted correspondence and compromises between the Centre and the Units, which cause delays and also wastage of time and energy of the two governments. There is also possibility of a conflict in administration, jurisdiction and financial matters between the two, especially if the constitution is hastily and badly drafted as the American Constitution was. These conflicts, delays and wastages create inefficiency and weakness in the State, which contrast sharply with the promptitude, efficiency and simplicity of the unitary State.

2. ***Federalism prevents uniformity of law and policy for the whole State.*** The distribution of powers, the autonomy of the federal units and the dual system of government in the Federal State produce diversity or lack of uniformity in laws and policy. This diversity of laws becomes a source of trouble for the citizens when they move from one component unit to another where there is a different set of laws. It also hinders the administration of justice, for the law-courts of one unit have no jurisdiction in the other. These defects are particularly noticeable in the U.S.A., where the constitution has granted a large "reserve of powers" to the component States in many matters, such as marriage, divorce, education, etc.

3. ***The distribution of powers cannot be perfect for all times.*** Federalism is essentially based on the distribution of powers between the Centre and the Units. But it cannot be a perfect distribution which may be valid for all times. The reason is simple. Howsoever exact and exhaustive the present scheme of distribution of powers may be, it cannot foresee the needs, demands, views and changes in the future. Really speaking, there is no definite principle by which a matter can be finally declared to be of national or local importance, what is today considered a matter of local importance may become tomorrow a matter of national importance. But the national government cannot acquire the new power without a constitutional amendment or judicial interpretation. Yet the constitution cannot be quickly amended, because it is rigid, while the judicial interpretation is a slow and circuitous process. That is the reason why federal constitutions are necessarily conservative. The principle of

concurrent jurisdiction and powers and the doctrine of implied powers are attempts to remedy this defect of federalism, but they also do not go very far, nor very fast.

4. ***The rigidity of the federal constitution is also an obstacle to the harmony and progress of the federal State.*** The double government and the distribution of powers in a federation divide the governmental operations into watertight compartments. The rigidity of the constitution clogs the wheels of progress and prevents the constitution to adapt itself to the changing conditions in the social life of the country. This is particularly true of the American Constitution which is one of the most rigid constitutions in the world.

5. ***Federation is an obstacle to the conduct of a vigorous foreign and home policy.*** Unlike the central government of a unitary State, the central government of a federal State cannot conduct a vigorous foreign policy, because it has to secure the consent and approval of the unit governments, which may not be forthcoming so quickly or willingly as the central government would like. This is the peculiar difficulty of the American government which endeavours to remedy this defect by means of mass propaganda.

Similarly, in home affairs the central government of a federation is handicapped by the division of powers, which defines and limits the powers of both the Centre and the Units. One or more of the unit governments may refuse to accept the policy of the centre, or may not pass necessary legislation in respect of matters of the provincial list or the concurrent list. As regards the provincial matters the national government cannot do anything except hope and pray. It may, of course, prod an unwilling unit into activity by exercising its powers of concurrent jurisdiction. But even this method has not the promptitude, simplicity and efficacy of the instructions and fiats of the unitary government to its subordinate local authorities and officials. Protracted negotiation between the Centre and the Units, resulting in compromises, delays and dilly-dallying are the necessary weaknesses of the federal State. This was the main weakness of the 1956 Constitution of Pakistan.

6. ***Federal form of State is also expensive and uneconomic.*** Federation is expensive and uneconomic because of the duplication of governmental machinery of the Centre and the Units and of the central and provincial public services. There are two sets of governments and two sets of public services and departments, which entail far greater expenditure than in a unitary government. Moreover, some of the component units are not very careful in planning and utilising their own natural resources in men and material, as they would be under a single, central supervision and planning. The federal form of the State also becomes uneconomic, for agriculture, industry and other natural resources are allocated by the

constitution to the provincial sphere. The central government is prevented from interfering in them by the principle of federalism or provincial autonomy.

7. ***Federation is exposed to the danger of secession.*** The components units of a federation may be inclined to secede from the federal union due to their differences or grievances over language, culture, religion, race, economic inequality and the like. As each unit has its own government and constitution, the tendency towards secession is very strong in a federation than in a unitary State. Thus a federal State is exposed to the dangers of disunity and disintegration. Such a danger once threatened the Swiss Confederation in 1847 and the U.S.A. in 1861. It led, for instance, to the secession of East Pakistan in 1971, which became Bangladesh. It is also the course of the present-day Sikh trouble in India who want to establish an independent State of Khalistan.

Future of Federation.

Many writers are of the opinion that federal structure of the State is a transitory and temporary stage in the evolution of the unitary State. They cite the fact that almost all federal States are becoming more and more centralized because the central government in them acquires ever more authority and powers. The national government is extending the scope of its powers, while the unit or provincial governments increasingly look to it for financial assistance, planning and regulatory measures. One of the federal States, the German Empire, actually became a unitary State under the Nazi policy of centralisation. There is some truth in this criticism. In modern times, the structure of the federal State is under three strong pressures for centralisation. They are economic, social and military. Economic Forces and needs have always been stronger than political formulas and rules. The framers of a federal constitution may consider that industry and agriculture, trade and tariffs are of local importance and interest. But economic needs and plans of industrialisation, trade and tariffs, the needs to regulate the relations between capital and labour, the questions of inflation and scarcity, recession and the conditions of the working classes, etc., are such problems and pressures which can temporarily be tackled locally, but can permanently be solved only on the national plane. A provincial government in a federation is too puny in resources and too narrow-minded in outlook to plan and solve them. The same is true of the demands and needs for social reforms, and cultural, intellectual and educational developments. Here also the national government can undertake these developments on national scale better than a provincial government. This also requires centralisation of governmental authority and powers. Above all the dangers and threats of war in modern times are great causes for centralisation. War is always a great centraliser. When a State is threatened by war, it meets the 'challenge by concentrating all its resources and powers under a single seat of authority. That is why in respect of military organisation and war, a federal State behaves like a unitary State. In fact, "a dispersion of powers, as the federal principle implies, is incompatible with the troubled politics of a world that is scared by past wars and scared of new ones." In the face of these dangers and demands, the old patterns of decentralisation and autonomy cannot exist any longer.

But all this does not imply that the days of federalism are over, or that it is to be scraped from the organisation of the modern State system. On the contrary, we notice several tendencies and needs for federalism in the modern State and society. In fact, modern State and society are criss-crossed by contrary forces towards centralisation and decentralisation. Many economic and social forces and tendencies require them to be federally organised and governed. Even unitary States have adopted several forms of federalism. Moreover, as Laski said, 'modern society is so complex and varied in interest and functions, that it should not be centrally controlled and directed, but should be federally organised'. He said that just as "in the Middle Ages the tendency was towards feudalism, in the fifteenth and sixteenth centuries towards absolutism, so in the present time the movement seems to be towards federalism." Lastly, federalism is the only possible form of the future world-State, if and when it comes.

CONFEDERATION

Definition.

Although federation and confederation are derived from the same Latin root, yet they are quite different forms of organising the States. A confederation may be defined as a group or association of two or more sovereign States which have permanently given up part of their liberty for some specific aims and objects, such as defence. A confederation is stronger than an alliance between sovereign States, but weaker than a federal union. A confederation does not put an end to the sovereignty of the confederated States, as a federation does. It is a union of States and not a united State as a federation is. German words explain the distinction between a confederation and a federation very clearly. A federation is a *Bundes-staat*, a united State, while a confederation is a *Staatenbund* i.e., the union of States.

Federation and Confederation contrasted.

A federation must be clearly distinguished from a confederation. We point out here some of these distinctions as follows:

1. ***A confederation is a league of sovereign States while a federation is a single sovereign State.*** A confederation is much looser in organisation than a federation. In a federation the former sovereign States become integral parts or component units of a new State, while there is no such integration in a confederation. The confederated States retain their identity and separate entity. But they lose it completely when they federate

into a new State. In other words, the confederated States retain their sovereignties, while the federating States renounce their individual sovereignties when they enter into a federal union.

2. ***Confederation is based on contract, and federation on constitution.*** The confederate States enter into an alliance based on an agreement, but the federated States are united by a constitution. It means that any one of the confederated States can withdraw from the alliance, but none of the federated units can do so, as they have lost their sovereign entity in a new union. In other words, confederation recognises the right of secession, but a federation does not. Withdrawal from a confederation is legal, while from a federation it is revolutionary.

3. ***A confederation has no central government.*** A confederation has only a committee or congress of delegates from various confederated States, who meet to vote by States and under instructions from their governments. Their decisions are not laws but only resolutions. In a federation, there is a central government with its own powers, organisation and machinery, consisting of representatives from various component units, who make laws, and adopt a policy, which are executed by its own officials over the whole country.

4. ***Citizenship.*** In a confederation, the citizens of the confederate States retain their citizenship. They do not become citizens of the confederation, but in a federation, they become the citizens of the federal State. Hence in a confederation, they obey only the laws of their own State and not of the confederation, while in a federation they obey the laws of the central government also.

Chapter 27

Parliamentary and Presidential Governments

Democratic States are further divided into two kinds of government, parliamentary or cabinet and presidential or congressional forms of government. This classification is based on the relation or separation between the legislature and the executive.

CABINET OR PARLIAMENTARY GOVERNMENT

Its nature.

The cabinet or parliamentary system of government is one in which the legislative and the executive organs of the State are closely connected are interdependent in the performance of governmental functions, such as determining the policy, making laws and passing the budget. Unlike the presidential system, there is no separation of the legislative and executive powers. On the other hand, as Garner says, these are "inextricably mingled." It has two executives; a nominal or titular executive, who is either a hereditary monarch, like the British Queen or an elected President as in India or Italy, and a real executive consisting of a cabinet or council of ministers. The parliamentary government is called a responsible government. The cabinet is responsible for all its acts and policies directly to the parliament which consists of the representatives of the people, and indirectly to the people through elections. It thus manifests the sovereignty of the people in clear and direct terms.

Its Organisation.

The cabinet or parliamentary government consists of four important parts or organs, the king or president, the prime minister, the cabinet or council of ministers, and the parliament.

The titular head of the State, king or president, is the nominal executive. In theory he may possess many powers but in practice he cannot exercise them without the consent and advice of the cabinet or prime minister either by law or convention. As Bagehot said, 'he reigns but does not rule'.

The real executive is the cabinet or council of ministers, headed by a prime minister. The prime minister and all other ministers are members of the parliament. Nominally, they are responsible to the titular head of the State for their acts and policies, but really to the parliament. Each minister holds a portfolio for one or more departments, for which he is individually responsible to his cabinet colleagues and to the parliament. But the cabinet as a whole is jointly responsible to the parliament. Its joint or collective responsibility is expressed by the prime minister, who is its leader and spokesman before the parliament and to the president or king. Hence the cabinet works as a team, with the prime minister as its captain. Whenever a new cabinet is to be formed, the president or the king summons the leader of the majority party in the parliament to form a government. He then becomes the prime minister, and selects all other ministers from his party or coalition parties to constitute his cabinet.

The legislature or the parliament is the most important organ of the parliamentary form of government. It possesses supreme power or sovereignty in law or constitution. The cabinet is really responsible to it. It holds office only so long as it has the confidence of the parliament. If the cabinet losses the support of the parliament, it passes a vote of no-confidence against it. In this case, either the ministry resigns and gives place to a new one which has the support of the majority in the parliament, or it dissolves the parliament and appeals to the electorate, i.e., the people"; to decide whether they support the cabinet or the opposing majority in their policies. If the people return the ruling party in majority, the cabinet continues to hold office, otherwise it resigns and the new majority party in the parliament forms a new cabinet. This is the parliamentary mechanism by which the sovereignty of the people is manifested in the working of the parliamentary' or cabinet system. For this reason it is called a responsible system of representative government.

Parliamentary system is, in fact, characterised by a close and intimate interdependence of both the executive and the legislative organs, the cabinet and the parliament. Dicey has emphasized that the cabinet system is founded on a fusion of the executive and legislative organs and at the same time upon the maintenance of harmonious relations between them. Every member of the cabinet has a seat in the parliament. The prime minister is its leader. All the members of the cabinet are also the heads of administrative departments, for which they are responsible to the parliament. They participate in all the discussions, debates and decisions of the parliament. They introduce new legislative measures in it and get them passed by it. They also answer all questions put to them by the members of the parliament. Thus their acts and policies are controlled, guided and supervised by the parliament. It is this intimate relationship between the cabinet and parliament which made Bagehot say that the cabinet is the executive committee of parliament chosen to rule the nation. Speaking of the English Cabinet, he said that it is "a hyphen that joins, a buckle that fastens, the executive and the legislature together"

Merits of Parliamentary Government.

As contrasted to the presidential system of government, the cabinet or parliamentary system has the following advantages and merits:

1. **It secures harmony between the executive and the legislature.**

As all the members of the cabinet are also the members of the parliament, there is a close collaboration and intimate interdependence between the executive and legislative branches of the government. The ministers participate in all the debates, discussions and decisions of the legislature, and are responsible to it. They are supervised and guided by its opinion and hold office during its confidence. 'From first to last", writes Garner, "there is full and harmonious collaboration between the law-making and money-granting authorities, on the one hand, and the law-enforcing and money-spending authorities, on the other." Consequently, there is no working at cross purposes and rarely any deadlock between the executive and the legislature, as in the presidential system. Instead of that, there is a unity of purpose and harmony between them This system leads to good administration, based in good laws, because the ministers introduce and get passed only such laws as are really necessary and are, therefore, executed with confidence and promptitude. Indeed, the close harmony between the cabinet and parliament gives this system of government the merits of promptitude, efficiency and confidence in its actions and policies.

2. **It ensures responsibility and checks autocracy.**

The chief merit of the cabinet system is a responsible form of government. It ensures the responsibility of those who govern to those who are governed. This responsibility is firstly and directly to the members of parliament, the representatives of the people and, in the second instance and indirectly, to the people themselves. The ministers are constantly criticised by the members of the parliament, especially by those of the opposition. Hence it is impossible for an irresponsible ministry to hold office for long. It resigns as soon as it loses the confidence of the majority in the legislature. It also prevents the rule by an autocratic government, as such a government will be opposed by the parliament and will not be elected again to the office by the people. For this purpose, the parliament and the people need not wait for the expiry of the term of office, as is the case in the presidential system, in which an autocratic and irresponsible president cannot be turned out of office till the end of his term. Cabinet system ensures immediate and prompt responsibility of the cabinet to the parliament and in the end to the people.

3. **It has flexibility and elasticity in times of crises.**

As pointed out by Bagehot, the cabinet system has the merit of flexibility and elasticity in times of crises and national emergency, because the change in ministry can be brought about peacefully and constitutionally to meet the crisis. The people, says Bagehot, can "choose a ruler for the occasion" to lead the nation through the crisis. This fact was demonstrated in England during the World War I by the choice of Lloyd George, and during the World War II by the choice of Churchill. This is a great merit when compared with that of the presidential system where no such quick change is possible, as the president is elected for a fixed term of office.

4. It is governed by the able men

In the cabinet system, the ministers are selected from among the members of the legislature where they have a long, even lifelong, experience of parliamentary work and criticism. Every cabinet includes several persons who have served in the previous cabinets. The prime minister is careful to pick and choose only such men from his party and supporters who are men of experience, skill and talents both in parliamentary and in executive or administrative work. In the Presidential system, however, the President selects men from wherever he likes. Many of them do not even belong to politics and administration but to commerce, industry or finance. The average American Cabinet, says Laski, rarely represents anything, whereas the average member of an English cabinet "has been tried and tested over a long period in the public view." He therefore knows his task better and can fulfil his duties best. The American ministers and presidents are like meteors: they shoot across the political firmament of their country for a brief span of four or five years and then vanish for ever into political darkness or nonentity. Here also the cabinet system has the advantage of utilising the talents of able men again and again, while the presidential system can utilise the skill of a talented man, if it at all finds one, only once or at the most twice, which shows its wastefulness.

5. It has a great educative value.

The intimate collaboration between the cabinet and the parliament requires such qualities from their members as tact, leadership, power of public speech, intelligence and knowledge. Constant criticism and opposition to the ruling party requires not only discipline in party ranks but also vigilance among them. The elections make it necessary that both the ruling and oppositions parties keep the electorate informed of their points of view. Thus the cabinet system has a great educative value both for the governors and the governed, the leaders and the led.

Defects of Parliamentary Government.

Some objections have also been urged against the cabinet system, as follows:

1. **It causes too frequent ministerial changes and leads to instability of governments.**

One of the serious defects of the cabinet system is the impermanence and instability of the government. The cabinet has no fixed term of office. It holds office only so long as it has the support and confidence of the majority in the legislature. It is, however, subject to the vagaries of the representatives and the intrigues of the parties and politicians in the parliament, especially in the popular chamber, to which the cabinet is really responsible. These defects are aggravated if the dominant majority is small or incoherent, as it is when the cabinet is a coalition ministry. It is formed by several parties, one or more of which may be constantly intriguing with the opposition parties to oust the existing cabinet from office. These are the reasons why such cabinets are unstable especially in countries with multiple parties, as in France, Pakistan, etc. Even in England, where only two parties exist, cabinets are quite often changed. The frequent ministerial changes cause inconsistency in government policy, make the government weak and unstable and prevent it to adopt long-term policy and plans. Every new cabinet necessarily follows a new policy and new program in order to justify its assumption of power by reversing the policy and plans of the old. Hence the cabinet system is not conducive to continuity in policy and stability in government. This was the reason which caused discontent and dislike of the parliamentary form of government in many countries and led to the rise of fascist or nationalist dictatorships in Italy, Germany and other countries before the World War II, and after it in de Gaullist France and Nasser's Egypt. It does not suit newly-independent and developing countries.

2. **It is too largely a system of party government**

Modern governments are necessarily party governments. But the cabinet government is too much of it. The cabinet system divides the country into two groups of men and parties, one of which tries hard to get things done and the other equally hard to obstruct them. In theory, the criticism and opposition of the government policy and legislative proposals by the opposition party or parties is to prevent the adoption of bad laws or policies. But in practice, they are opposed for the sake of opposition and for overthrowing the existing government. As Lord Bryce remarked, the parliamentary system "intensifies the spirit of party and keeps it always on the boil. Even if there are no important issues of policy before the nation, there are always the offices to be fought for. One party holds them, the other desires them, and the conflict is unending". The result is that the party interests are placed above national interests, and the progress of the country is retarded, as national time, energy and money are wasted in party quarrels and squabbles. These defects are not so great under a two-party system, but become acute under the multiple party system.

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3. **It leads to cabinet dictatorship.**

Formerly, the parliaments had enough time to discuss the legislative proposals before them or consider the cabinet policy thoroughly before they passed the bill or approved the policy. But in recent times, their size has become too large and unwieldy and their time limited by the pressure of work and their procedure tied by party considerations and discipline for any effective discussion and deliberation. Hence the parliaments have left them to a handful of persons or leaders in the cabinet, contenting themselves as mere voting and controlling bodies, as for example, it is illustrated by ten year rule of the Prime Minister, Mrs. Margaret Thatcher. This has increased the importance and powers of the cabinet and of the prime minister. They have become the virtual rulers, armed with absolute powers, acquired by strict party discipline and rigid control of the parliament. This fact is particularly true of England, where, owing to the two-party system, party discipline and control is most rigid. It has become practically impossible to remove cabinet from office, as it rigidly controls the majority in the parliament by party discipline. That is the reason why English cabinet have a longer tenure of office. Ramsay Muir has rightly said that the cabinet system leads to the "dictatorship of one man or a small group of men exercised through a subservient party majority of more or less tied members." The dictatorship of the cabinet is really the dictatorship of the prime minister. The redeeming factor of this dictatorship is that it is not autocratic and irresponsible, for the prime minister exercises it so long as he has the backing of his party and the party remains in power only so long as it has the majority votes of the people. It is under a constant fire of criticism in the parliament, press and the public.

4. **It is a government by amateurs.**

When a new cabinet is to be formed, the prime minister-designate does not select his colleagues on the basis of their training or talent for administration and government which they may perhaps have none, but on the basis of party service and loyalty. His choice is really determined by his desire to form a stable ministry, supported by a strong majority in the parliament. The result is that he selects men who are loyal party followers and leaders but have no experience or knowledge of administration and government. During their tenure of office, they are constantly busy with parliamentary debates and even harassed by its questionings and pressure of work and have little time or inclination to devote themselves to the work of their departments. Moreover, the quick cabinet changes deprive them of the opportunity to be fully acquainted with their departmental duties. So the cabinet ministers remain amateurs in politics and government. This criticism is, however, exaggerated. Every cabinet includes men who have held a ministerial office in earlier cabinets and have long experience of departmental business. The ministers are policy-makers and not departmental experts. Lastly, their amateurism is also an advantage over an expert. An amateur sees a thing as a whole, while an expert sees its details. A cabinet minister, being an amateur, takes a broader view of his department's work than an expert would do. He can, therefore, co-ordinate its work and activities much better and more efficiently than the expert. As Ramsay Macdonald, one of the Prime Ministers of England only, said, "The cabinet is the bridge linking up the people with the expert, joining principle to practise. It does not himself keep the departments going; it keeps them going in a certain direction."

5. **The Cabinets are constantly growing in size.**

One of the serious difficulties of the parliamentary governments is the constant increase in the size and work of the cabinets. A cabinet is aptly described as the executive committee of the parliament to discuss, decide and propose legislative measures and other governmental actions before the legislature and secure approval of its policy. But it can properly fulfil these functions only if it is small in size and is free from unnecessary burden of work. A century ago, the English cabinets consisted of hardly a dozen men, but now they are sometimes as large as 21 men, while the ministry consists of more than seventy men. In Pakistan, during a short span of its history the cabinets had nearly doubled in size. Moreover, as the duties of the ministers have multiplied manifold, they become harassed by overwork. Too large cabinets are useless for prompt and effective discussion and decisions. Too much work makes the ministers rely upon the permanent staff of their departments, which leads to bureaucracy and red-tapism. The remedy of these evils is to reduce the size of the cabinets or have "inner cabinets'.

6. Cabinet system is sometimes also criticised on the ground that it violates the principle of the separation of powers as it combines and concentrates executive and legislative powers in the hands of a cabinet. But it is not a sound criticism. The theory of the separation of powers is itself not a sound principle of organising the executive and legislative functions of the State. It is, as Laski puts it, "the forcible disjunction of things naturally connected." The combination and collaboration between the executive and the legislative is a merit rather than a demerit of the cabinet system.

PRESIDENTIAL GOVERNMENT

Its Nature.

The presidential system of government is one in which the executive and legislative departments are entrusted to distinctly separate and different persons or body of persons, namely the president and the congress respectively, without the one being responsible to the other for its functions. As the executive organ of government is headed by a president, it is called the presidential system, and as the legislature is usually known as the congress, it is also called the congressional system. As the President and his ministers are not responsible to the legislature or congress for their duties and policies, it is also called an irresponsible system of government. As contrasted to the cabinet system, its chief characteristic is the separation of powers. The executive power is vested in a President, and. the legislative power in the congress. Each one of them is independent and supreme within its own sphere, without any responsibility to the other. On this principle depends the unity and strength as well as the weakness of this system. Leacock says, "In a parliamentary government the tenure of office of the virtual executive is dependent on the will of the legislature; in a presidential government the tenure of office of the executive is independent of the will of the legislature." There are, however, a few checks and balances on the authority of one organ by that of the other.

Its Organisation:

The President. There is no distinction between the nominal and real executive in the Presidential government. The President is at once the head of the State and chief executive, the king and the prime minister of the cabinet government rolled into one. Indeed, he is far more powerful an executive head of the State than the prime minister of the parliamentary government. He is the real executive, with immense, powers, untrammelled by a cabinet or a legislative criticism. He is therefore also called the "single" or "solitary" executive. All the executive powers are vested in him by the constitution. For example, the American Constitution vests all executive powers in the US President. There are, however, a few checks on his powers. He is not responsible for his acts and policies to the legislature. Only when he actually commits a crime, he can be impeached by it. He is elected by the people for a fixed number of years. For instance, the American President is elected by the people for four years, and can be re-elected once more. During this period he may govern well or not, and his acts and policies may or may not be approved by the legislature and the people, but he cannot be forced to resign or leave his job till his term of office comes to an end. His immense powers and his fixed tenure make him far more powerful than the prime minister. He can be an autocrat or a dictator.

His Ministers. The President is solely in charge of the executive organ. Yet he appoints a number of persons to run the various executive departments. They are called "secretaries", or ministers. The body of ministers of the President cannot be called a "cabinet", although the Americans wrongly call it so. It is a misuse of the term. The "ministers" are not his colleagues, but are his nominees. He picks them up from anywhere in the country, whether they belong or do not belong to any political party. He can dismiss them any time he likes without giving any reasons for it. He consults them, usually twice a week in the case of the U.S. President, but he is not bound by their advice. When the president's term of office comes to an end, his ministers or secretaries also go out of office with him, except if reappointed by his successor, which is not usual, because his successor may belong to the other party. They have no seat in the legislature; they have nothing to do with legislation.

The Congress. The legislature of the Presidential system, called the congress, is vested with all legislative and money-granting powers, but, unlike the parliament, is not the supreme or sovereign organ of the State. It consists of two houses, the Senate which is more powerful and the popular assembly, called 'he House of Representatives. The senate is given powers to check the executive authority of the President. Similarly, the President has also some powers to check the legislative powers of the congress. He can veto a bill passed by it, which can, however, be overridden by two-third votes of the congress. He can also influence the congress by sending messages or by private contact with its members. The congress is also elected for a fixed period and cannot be dissolved by the President. As the president and his ministers are not responsible to it, it also cannot pass a vote of censure or no-confidence against them. Such votes are really unknown to its legislative procedure.

Its Merits.

The Presidential system is credited with the following merits:

1. **It secures stable government.**

As the executive head is elected for a definite period of years, he cannot be removed from office during this period. It guarantees stability of administration. The president is armed with large powers and great responsibilities. He chooses his own ministers who are responsible to him alone. Hence this system of government is energetic and powerful, as it is free from the fear of adverse votes in the legislature and from the hesitations and disagreements of the cabinet system. Strength, vigour, stability, and initiative in administration and policy are some of the merits of the Presidential system, so much so that the President can become even autocratic and dictatorial.

2. **It ensures continuity of policy.**

As the President holds office for a stated period, he can follow his policy without any break during his term of office. He can pursue it vigorously without the constant fear of losing the majority in the legislature. Thus there is no shifting in the political balance by votes of censure or no-confidence and new elections as in the cabinet system. This fact ensures a consistent and continuous policy.

3. **It ensures certainty of policy,**

The advantage of continuity of policy also guarantees its certainty. The executive powers are solely in the hands of the President. He is aptly described as a "solitary" executive. He chooses his own ministers. He determines his own policy. Although he consults his ministers and advisers, yet he is not bound to follow their opinion or advice. Thus there is no divided opinion, no diversity of counsels, as is the case in the cabinet system. The government policy is certain and sure. This is particularly so in times of war or crisis, when the Presidential system ensures unity of policy, quickness in decision and connected and consistent policy. This was demonstrated by the administration of President Roosevelt during two crises, viz., the great Economic Depression during 1929-33 and the World War II, 1940-45. It is also illustrated by the resolute and aggressive policy which U.S. Government follows all over the world today.

4. **It can avail of the services of the experts and is free from party spirit.**

The Presidential system has also some advantages for administrative purposes. It is possible to select experts to head the departments, as the president can choose his ministers or secretaries not for party considerations but for their personal merits and qualifications. Further, the fate of the ministry or the office of the president does not depend on the votes in the legislature. There are no votes of censure, no votes of adjournment and no heated interpellations in the Congress.

Demerits of the Presidential Form of Government.

The working of the Presidential system in the U.S.A. and other countries has shown that it has some defects. Its defects and weaknesses are:

1. **It is based on wrong principles.**

The Presidential system is based on the principles of separation of powers and the system of checks and balances. The framers of the American Constitution felt that all governmental powers should not be concentrated in one person or body of persons. Hence they separated the executive from the legislature and entrusted executive powers to the President and legislature powers to the Congress. But then they were assailed by a new fear. They had concentrated all executive powers in the hands of the president and all legislative powers in the hands of the congress respectively. They sought to limit and control the concentration of powers by a system of checks and balances. This aggravated the evils they had sought to prevent. The separation of powers is itself a wrong and defective principle of organising a government: It divides what is naturally indivisible. By instituting the system of checks and balances, they confounded matters still further, because it is contrary to the principle of separation and also highly injurious to administrative efficiency. Instead of working in an integrated and interdependent manner, as does the cabinet system, the Presidential system works in a disjointed manner, marked by conflicts on deadlocks between the two organs. These conflicts cannot be resolved-till term of office of the president or of the congress comes to an end.

2. It encourages autocracy.

Again, the presidential system tends to be, as Garner says, "autocrat irresponsible and dangerous." It is autocratic because all executive powers are concentrated in the President who can exercise them as he likes, for he is are responsible to any one. He cannot be turned out of office for four years even though the legislature and the people may like to do so. It is irresponsible because of the separation of powers. Unlike the prime minister and his cabinet the president is not answerable for his acts and policy to the legislature. Only the next election would afford relief to the people from an autocratic and irresponsible President, but till then they must suffer his unpopular policies. This fact makes the presidential system a dangerous and dictatorial system. That is the reason why this system had become a breeding ground of dictatorships, as shown by the history of the Latin American States and of the Martial Law Regimes in Pakistan.

3. It is rigid.

Since the election of the President and the legislature goes by calendar, the whole presidential system suffers from such defects as rigidity, inelasticity in administration, policy and legislation, especially in times of emergency and crisis. "The American Government," writes Bagehot, "calls itself a government of the sovereign people, but at a quick crisis you cannot find the supreme people. You have got a congress, elected for one fixed period, going out perhaps by fixed instalments which cannot be accelerated or retarded; you have a President chosen for a fixed period, and irremovable during the period; all these arrangements are for Stated times. There is no elastic element; everything is rigid, specified, Stated. Come what may, you can quicken nothing and can retard nothing. You have bespoken your government in advance, and whether it suits you or not, whether it works well or works ill, whether it is what you want or not, by law you must keep it." The American people call themselves a sovereign people, but their system of government is such that they have mortgaged their sovereignty to a single person, who may behave as an autocrat and a dictator for the term of his office. The rigidity and autocracy may be harmful to the interests of the nation.

4. It leads to conflicts between the executive and the legislature.

Due to the separation of powers and the non-accountability of the executive to the legislature, the Presidential system leads to various conflicts and deadlocks between the two. It is especially so when the President belongs to one party and the legislature is filled with the representatives of the other party. If both of them belong to the same party, it is possible to resolve the differences between the executive and the legislature by party caucuses, or private talks between the president and the members of the legislature. But this is not possible if they do not belong to the same party, as it often happens in America. In the cabinet system, no such deadlocks would arise. If the cabinet is opposed by the majority in the parliament either it resigns or dissolves the parliament and appeals to the people to give their verdict on the parliamentary dispute. No such thing is possible in the presidential system till the next election of the congress or the President. But this State of affairs gets reflected in the laws made by the congress and on the policy made by the President. They have no harmony. Laws are made without consulting the executive about their need or utility. Policy is adopted without the legislative approval. Several proposals were made in the U.S.A. to remove this defect and to bring about greater harmony and co-operation between the executive and legislature, which would prevent misunderstanding and conflict between the two. But they were never adopted, as they are opposed to the constitutional system.

5. It leaves too much to the President.

The Presidential System was devised for safety rather than speed. Everything in it goes by calendar. But it leads to a new weak ness.-This Presidential system,' says Lord Bryce, "leaves more to chance than does the Parliamentary. A Prime Minister is only one out of a cabinet, and his colleagues may keep him straight and supply qualities wanting in him, but everything depends on the character of the individual chosen to be the President."

6. It produces irresponsibility and rivalry among Departments.

The Presidential System has made the President so important that his election becomes a period of disturbance and turbulence, even producing coups d'etat and revolutions, as in the Latin American Republics. It aggravates party spirit. Parties are dominated by personality rather than divided by considerations of policy or programmes. It is a government by persons rather than principles. The reason is that under this system it is difficult to fasten responsibility for policy and programme on the executive or the legislature. When they are at odds, each one can shift the responsibility to the other. The result is that the people are interested only in personalities rather than in the programmes they stand for, which, of course, they will never be called upon to account for. The departments are often jealous to one another. As there is no cabinet to centralise and direct the whole administrative and legislative work, the government work is done by several committees in the legislature and in the departments which are independent and jealous of one another. Their jurisdiction is overlapping, and they deliberate under conditions influenced little by public opinion. Hence the American system is fraught with such practices as log-rolling, pressure groups, the spoils system, gerrymandering, etc.

Part V

The Structure of the Government

There would be an end of everything, life and liberty, if the same man or the same body, whether of the nobles or of the people, were to exercise these three powers, that of enacting laws, that of enforcing them and of trying the cases of individuals.

Montesquieu: The Spirit of Laws

Chapter 28

Theory of the Separation of Powers

Origin and need for the Theory of Separation.

Since the ancient days of Aristotle, political writers have recognised the threefold distribution of governmental functions or powers. They are: (1). the law-making or legislative power; (2) the law-enforcing or executive power; and (3) the law-adjudicating or judicial power. Each power is exercised by its own department or organ of government. However, Montesquieu, the celebrated French thinker of the 18th century, was the first writer who expounded this three-fold division as a theory of separation of powers in order to safeguard the liberty of the individual. In Montesquieu's time, France was ruled by absolutist and tyrannical kings. He hated tyranny and was an ardent champion of liberty. In England, which he visited, he saw a people who enjoyed liberty of the individual, without any tyrannical government. He thought that the English liberty was due to the separation of powers in the English government. He formulated his thoughts in the form of a doctrine of separation of powers, expounded in his famous book. *The Spirit of Laws,* written in 1748.

Montesquieu's Theory.

Montesquieu explained his theory in these words: "In every government there are three sorts of power: legislative, executive and judicial. *The liberty of the individual required that neither all these powers nor any two of them should be placed in the hands of one man or one body of men.* (1) When the legislative and executive powers are united in the same person or body of persons, there can be no liberty, because apprehensions may arise that the king, who is also the lawmaker, might make and enforce the laws in a tyrannical manner. (2) If the judicial power is joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. (3) Where the judicial power joined to the executive power, the judge might behave with violence and oppression. (4) There would be an end of everything if the same man or the same body, whether of the nobles or of the people, were to exercise those three powers, that of enacting laws, that of enforcing them and of trying the cases of individuals."

Such was the forceful manner in which Montesquieu championed the cause of the liberty of the individual. Later on, several English and

American writers also imitated him in their own ways. For instance, the English jurist, Blackstone, expressed the same idea in these words: "Whenever the right of making and enforcing the law is vested in the same man or one and the same body of men, there can be no public liberty." The American writer, Hamilton says, "Accumulation of all powers, legislative, executive and judicial, in the same hands, whether of one, a few or many, may justly be pronounced the very definition of tyranny."

Explanation:

In defence of liberty.

To explain Montesquieu's theory we must first note that he was primarily concerned to preserve the liberty of the individual. He was convinced that whoever possessed unrestrained power would abuse it. He asserted that the concentration of powers of government in the hands of one man or one body of men is dangerous, for it leads to despotism and destroys liberty. In order to prevent such results he proposed a simple solution, that the powers should be separated. He proposed that the power of government should be so separated that one power should be a check to another and thus balance each other, for, as he puts it: *Le pouvoir arrete le pouvoir*— power halts power. He accordingly pleaded that the departments of government should be so organised that each of them should be entrusted to different persons, and each department should perform distinct functions within the sphere of powers assigned to it. Separation of powers means, therefore, separation of personnel. If any one of the departments or persons endeavours to make law or exercise power more than what the constitution gives it or him, it or he should be checked by the other. In this way tyranny would be avoided and liberty safeguarded.

Its Appreciation.

A long controversy has prevailed among political writers as to what Montesquieu really meant by the separation of powers. Did he mean an *absolute separation* or a partial one? If understood in a partial or limited sense, there is much truth in it.

How far true:

The theory of separation of powers is true only in part, and under certain limitations. If understood in a limited or partial sense, the theory remains an essential condition of liberty and good government. Montesquieu himself did not perhaps favour a rigid or total separation of powers, because he wrote that "where the whole powers of one department are exercised by the same hand which possesses the whole powers of another department, the fundamental principles of free government are subverted." Government is necessarily divided into departments. Some degree of separation of powers leads to functional specialization and administrative efficiency, since each department is best fitted to do the job allotted to it. Efficiency is secured by specialization and though expert knowledge. "In the actual conduct of public affairs," writes Leacock, "a certain degree of separation of powers makes towards efficient government."

Moreover, some amount of separation of powers also prevents the concentration of powers and authority, which is an effective check on despotic or tyrannical tendency in the government. To this extent, it leads also to the protection of the liberty of the individual. Furthermore, the nature of the judiciary is such that it must be separated from and independent of the other two departments. The judges must be kept free from political bias or external influence, whether of the ministers or of the legislature to this extent also, the theory of separation of powers is true.

Protection of the individual liberty.

But the important question is: Is the separation of powers necessary to secure the liberty of the individual? As we have mentioned above, this theory was primarily enunciated by Montesquieu for this purpose alone. For him it was, as MacIver says, "a practical recipe for political liberty." No doubt, "the problem of the separation of powers meant nothing to Political Science until the issue of political liberty became urgent." Montesquieu's theory had immediate appeal and influence on the men and leaders of France and America for the reason that it was a defence of liberty and a remedy against despotism. An American writer, Madison, says that Montesquieu was "the oracle who is always consulted and cited in the subject." The constitutional writer, Dr. Finer, says, "We shall never know whether the fathers of the American Constitution established the separation of powers from the influence of the theory, or to accomplish the immediately practical task of safeguarding liberty and property." But after more than a century of its application in various constitutions, we find that individual liberty is not dependent upon separation of powers. In England, there is no separation of power, yet individual liberty is as secure there as in U.S.A. or elsewhere in the world. Liberty primarily depends upon the spirit of the people, their laws and institutions. Separation of powers ensures liberty, but it is not the only basis of liberty.

Practical application of the Theory in Modern Constitutions.

Montesqueiu's theory had great influence in America, where it became a political dogma of the people in revolt against Great Britain. They desired liberty in the sense as Montesquieu understood it. They also desired to put limits on despotism which the English had imposed on them. They had also seen many disputes between the legislature and the executive, i.e., the Governor, during his Colonial period. They thought that a proper solution was the separation of the executive and the legislative departments, as Montesquieu had proposed. "History, therefore," writes the *Federalist*. "joined hands with philosophy in writing a separation of powers into the federal constitution (of the U.S.A.)." The influence of Montesquieu was, indeed, powerful and decisive. He was regarded as an oracle and cited on the subject. Consequently, the American Constitution was, as Dr. H. Finer puts it, "consciously and elaborately made an essay in the separation of powers and is today the most important polity in the world which operates upon that principle."

How applicable to United States.

In the U.S.A. a serious and deliberate attempt was made to apply the theory in practice. The American Chief Executive, the President, is elected by the people for a period of four years. He cannot initiate legislation. He is independent of the legislature, just as it is independent of him. Neither he nor his ministers are the members of (the Congress. He appoints his ministers as he likes. They are not responsible to the legislature but to him for their work. The judges are independent of the executive and the legislature. In some of the States of the U.S.A. they are even elected by the people.

But even in America, the principle of the separation of powers is adopted in a modified form. There is no absolute or complete separation of powers of the three departments. The President can influence legislation by sending messages to the Congress and by his suspensive veto. The Congress can influence executive policy by asking the departmental officers to appear before its committees. The President appoints judges and can grant pardon. The Senate has the powers to confer or reject appointments of important officials, impeach the President, accept or reject treaties made by the President. The judges can declare unconstitutional laws passed by the Congress, if they exceed the powers conferred by the Constitution

Great Britain.

Montesquieu formulated his theory of separation of powers on the basis of his observation of the English Constitution. To some extent he was right. In theory or law, it is based on the separation of powers. But in practice, there is no separation of powers in the English Constitution. In law, parliament has only legislative powers to make laws and does not interfere in the executive functions. The Crown has executive powers. The judges are appointed by the executive, but cannot be dismissed by it. To this extent, the principle of separation is rigidly applied to it. But in practice, the separation of powers exists only to a limited extent. The legislature and the executive are closely related and interdependent. The link is the cabinet, which is really and executive committee of the parliament. It makes cabinet members and the Prime Minister the virtual head of both the legislature and the Executive. They are the heads of their executive departments, but they are also the members of parliament, in which they conduct debates and initiate legislation. They are responsible to parliament for their work and policy and can be forced to resign if they losses its confidence. But they can dissolve parliament also. Furthermore, the House of Lords is the highest court in Great Britain. Or take another example: The Lord Chancellor is the head of the judiciary, but he presides at the meetings of the House of Lords, and is also a member of the cabinet. All this, shows that there is really no separation of powers. Instead of that, the three organs of government are interrelated and interdependent.

France.

In France before 1958 also, there was some separation and some combination of powers. Each department had separate functions. The administrative law and administrative courts are still based on the principle of separation: what concerns the administrative officers must be decided by their administrative courts. But the President we elected by the legislature. The cabinet system, the President's suspensive veto, his powers of pardon, etc., were indicative of combination of powers.

Criticism.

We have said above that if the theory of separation of powers is interpreted and applied under certain limitations, *i.e.*, in a partial manner, it promotes efficiency, protects the independence of the judiciary, safeguards liberty and is necessary for the proper working of the various departments of the State. In this sense, it is no more than the application of the economic doctrine of the division of labour which is so necessary in economic life. But if this theory is understood and applied in a strict sense, and the three organs of the government are made absolutely separate and independent of each other, it will produce several defects. Nineteenth century has exploded this theory of the absolute separation of powers. Garner observes that "the strict separation of powers is not only impracticable as a working principle of government, but it is not to be desired in practice." In short, it is neither possible nor desirable Let us now discuss its defects and limitations.

1. **Complete separation is impossible.**

Government, like human body, is an organic whole: every part of it works in harmony and co-operation with the other, if it is to work efficiently and properly. The functions of one department have to do much with those of the other departments. Every department performs some functions which actually belong to other departments, (a) Legislature raises and discusses questions relating to the conduct of the executive and the judiciary, (b) The executive department performs certain functions which are, strictly speaking, legislative in character. For example, it issues ordinances and proclamations, which are a sort of laws, (c) Similarly, the judges also make such decisions which are really laws, and are called judge-made laws. If the departments perform functions which are so interdependent and common, how can they be absolutely demarcated from and made independent of each other? If an attempt is made to enforce rigid separation, it must break down as it did in the French Constitution of 1791. Or it would lead to some extra-legal institutions, which will modify the rigidity of the separation, as it did in the American Constitution, in which the growth of the political parties has linked the executive and the legislature. That is the reason why it is said that the theory of separation of powers has never been anything more than a theory and an ideal. Either it cannot be put into practice or, if it is, it comes to be modified in its essential features.

2. It leads to constitutional deadlocks and administrative inefficiency.

Extreme separation of powers is dangerous for good government. It prevents the unity and co-ordination of the governmental functions which are so necessary for the expression of the will of the State. It creates such a system of checks and balances which will defeat the true ends of the State. It causes friction and deadlock that would prevent smooth and efficient working of the government. As J.S. Mill remarked, a complete separation of powers leads to constitutional deadlocks among the various departments and breeds administrative inefficiency. Furthermore, it will also destroy liberty of the Individual, which depends upon the efficiency, honesty and impartiality of the governmental departments, especially of the judiciary. So, the absolute separation of powers is really a *reductio ad absurdum* of politics. It produces departmentalism and paralysis of governmental machinery. "The separation of powers in and of itself would offer no guarantee of individual liberty." Instead of separation, we need co-ordination and co-operation to conduct the government on practical lines. Government consists of a group of organs, which perform differentiated functions, but have common task and purposes which can be achieved only by a harmonious co-operation.

3. All departments are not co-ordinate or equal.

The theory of separation of powers presumes that the three departments are co-ordinate and equal. But it is not the case. In modern democracies, the legislature is superior to the other two departments. Its supremacy lies, firstly, in its power to make laws, which express the will of the State. They must be made before they can be enforced by the executive or interpreted by the judiciary. Secondly, the legislature controls the finances or the purse of the State. Thirdly, in a parliamentary government, the executive or the cabinet is responsible to the legislature for the policy and conduct of government and administration. But in spite of its supremacy, the legislative organ is not absolutely independent. It is also subject to some checks. In a parliamentary government it can be dissolved by the executive, that is, by the head of the State on the suggestion of the cabinet. It is responsible to the people by means of the political parties and elections.

4. It destroys responsibility.

Too much of separation destroys responsibility in the legislative, executive and judicial organs of the State. The legislature must be responsible to "the electorate. Here responsibility implies representation. As the administrators and the judges cannot be made so representative, they cannot be directly elected by the people. But they must be made responsible to the legislature. The nature of their functions is efficiency and expert knowledge. An absolute separation requires the election of the administrators and judges by the people, which would destroy their efficient and proper discharge of functions, as is confirmed by the experience of the American State. MacIver has rightly pointed out that "what is needed is not the separation of functions but their proper articulation, in conformity with the first principle of democracy, that all government is a trust delegated and controlled by the governed."

Conclusion.

In view of the limitations of the theory of separation of powers in actual practice, we may conclude that it "has never been anything more than a theory and an ideal." Whenever a constitution is framed on a strict and extreme separation of powers, it fails to work at all, as did the French Constitution of 1791, which had to be scrapped within two years. It leads to miscarriage of justice and causes corruption, deadlocks, inefficiency and departmental friction. It makes the enactment of good laws difficult. In this way, it even destroys liberty of the individual, for which Montesquieu expounded this theory.

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Chapter 29

Legislature

Functions.

The functions of the legislature are different in various States. In a despotic or autocratic government, the legislature is either non-existent or at the most a consultative body, without any power to make laws. This is the case in such countries as Afghanistan, Iran, Jordan or Russia. In a parliamentary form of government, such as England, the legislature performs several functions. We here describe the main functions of a legislature as follows:

1. Legislation.

The chief function of every legislature is to make laws. It passes new laws, or amends or repeals old ones, when they become obsolete or when so required. A law is first presented before the legislature, as a bill or a legislative proposal. It goes through several stages of debate and deliberation in the legislature, called the legislative procedure. In case it is accepted by the majority of its members at every stage, it is considered as passed by it. It is placed before the head of the State for his signature, and becomes an *act* or law. It is then enforced by the executive organ of the State and interpreted by the courts. Law plays a great role in the life and public conduct of the citizens. They must, therefore, be made with great care and deliberation. The legislature must be representative of the people to understand their needs and interests. Owing to the complexity and dynamic nature of modern life, the legislative function of the modern legislatures has assumed great importance as well as prolific proportions.

2. Financial Functions.

In all democratic States today, the legislature has control over national finances. It has the power to grant money to the government, which cannot collect taxes without its previous approval. The reason is that the legislature, as representatives of the people, is the custodian of their interest and public money. It supervises the revenue and expenditure of the government, reviews them by discussing and approving the national budget, presented in the legislature before the beginning of a new financial year.

3. Administrative Functions.

The legislature also controls the executive, especially in the cabinet or parliamentary form of government. The cabinet is responsible to the legislature. Its members are chosen from among the members of the legislature. They sit in it and participate in its discussions and debates. They answer questions put to them by the members. If the cabinet fails to satisfy the members, they can pass a vote of censure or lack of confidence, in which case the ministry has to resign. But if the cabinet believes that the majority in the legislature, which has criticised it, does not possess the support of the public opinion, it can dissolve the legislature and seek the verdict of the people by a new election. In any case, the legislature keeps a check on the work and policy of the cabinet or government. In the Presidential form of government there is no such control of the executive, due to the separation of powers. Nevertheless, the congress interrogates administrators in its committees.

4. Amendment of the Constitution.

In the case of the flexible British constitution Parliament has the power to change the constitution. Even in States with written and rigid constitutions, the legislature has the power to amend the constitution partly or wholly, as in the American and Pakistan Constitutions.

5. Other Functions.

There are functions which some legislatures perform, though others do-not. For example, the British House of Lords is the high court of England. The American Senate has the power to sanction important administrative appointments. Many legislatures have the power to impeach the Presidential head of State. Some legislatures have the duty to decide election disputes. American Senate has the power to ratify treaties.

Organisation of the Legislature.

While the importance of the legislature is recognised, there is a difference of opinion regarding its organisation. A legislature may consist of a single house of chamber, in which case it is called a unicameral legislature, or it may consist of two houses, when it is called a bicameral legislature. In this case, the popularly elected chamber is called the First Chamber or the Lower House, and the other chamber is called the Second Chamber or the Upper House. In order to know which of the two forms would suit a country, it is necessary to keep the following considerations in view.

1. A National representative body.

Legislature performs essential functions in every country. It must, therefore, be so organised as to represent and reflect all sections and interests in the nation. Every interest must have the opportunity of being heard in the law making body before it makes laws or decides policy of the State. Hence the method of representation must be sound and truly national. Only then the legislature will be a national representative body.

Good Legislative Procedure.

The legislature should be so organised as to prevent hasty legislation. Laws affect everyone in the State. They must, therefore, be made only after a thorough and proper discussion and deliberation in the legislative assembly. Laws should be, as Aristotle said, "reason without passion." For this reason, there must be no hustle or hurry, no emotional outburst, while making laws. The experience of ages has shown that a single-chamber legislature is more exposed to these weaknesses than a two-house legislature. If one house is hasty or emotional the other would not be so. Hence there is a less danger of hasty legislation in a bicameral legislature. In short, full opportunity for a due amount of caution and reflection in legislative work is a prerequisite for the sound organisation of the legislature.

3. Structure of legislatures.

The organisation of the legislature also depends upon the number of members who would sit in it. It is essential that the number of persons should be large enough to represent all important sections, interests and classes in the nation. It should not be too small or very large to prevent adequate deliberation by it. In case the population of a country is too large and the number of the representatives is to be necessarily great, it is better to have two houses to distribute them in two places. But in a small country, one house would suffice to accommodate all the national representatives.

Merits of bicameralism or demerits of unicameralism.

Let us now consider the merits or advantages of a bicameral legislature. These are as follows

1. It prevents hasty legislation.

Law, says Aristotle, is reason without passion. To be so, it must be made after proper deliberation and reflection. Several methods are used to prevent hasty and ill-considered legislation. One of them is the organisation of legislature into two houses, along with such other methods as legislative procedure, constitution, etc. Experience has shown that one house being, popularly elected, is exposed to popular passions and pressures. Its members are likely to be rash and one-sided. They are easily swayed by emotions or passions and satisfied with incomplete and hasty generalizations. A shrewd speaker can sweep the members off their feet by his rhetorics. But the rhetorical feat cannot be repeated in the other house. Moreover, it is often noticed that the members of the two houses are different in habits, attitudes, education, interests, and social origins. Therefore, they also think differently. Often the popular Lower House is radical, while the Upper House is more conservative. The result of these differences is that the two houses of a bicameral legislature do not view a bill from the same standpoint. A bill passed by one house has to go before the other, where it is not treated in the same way. Therefore, where a Second Chamber exists, there is less likelihood of ill-considered measures becoming law. It is partly due to the legislative rivalry between the two Houses, but mainly due to the interval that has to pass between the adoption of the bill by the two House, during which passions might cool down in the Lower House. This affords opportunity for second thoughts. Public opinion might change. These are the reasons why the Second Chamber exercises a revising, delaying, controlling, retarding and steadying influence on legislation. Hence it is said that law-making in a bicameral legislature is like an appeal from "Philip Drunk" to "Philip sober". Chancellor Kent said, "One great object of the separation of legislature into two Houses, acting separately and with co-ordinate powers, is to destroy the evil effects of sudden action and strong excitement and of precipitate measures springing from passion, caprice, prejudice, personal influence, and party intrigue, which have been found by sad experience to exercise a potent and dangerous sway in single chambers."

2. Bicameralism provides proper representation of national interests and minorities.

In every country there are many classes and sections, minorities and national groups which have different and even conflicting interests and attitudes. Bicameral legislature makes it possible for the proper representation of all national interests, classes and minorities. The Lower House is popularly elected, while the Second Chamber or the Upper House represents special interests and classes, such as the richer classes, labour, educational institutions, industry, etc. In a unicameral system, these sections and interests would remain unrepresented. Moreover, the two Houses, being differently constituted act differently in matters of legislation. The popularly elected Lower House is radical, while the Upper House is conservative. But in the unicameral legislature there would be no Second Chamber to restrain the radical tendencies of the single House.

3. A check on legislative despotism.

The existence of the Second Chamber is a check on the despotic tendencies of the other house. As J.S.Mill said, if there is only one house in a legislature, there will be no check on its despotic tendency to take too much power into its own hands. Hence there will be less individual liberty and less independence of the executive department.

4. It reduces pressure of work.

In modern times, the amount and pressure of legislative work has much increased. One house of a unicameral legislature is unable to cope with it adequately. The existence of the Second Chamber enables the work to be distributed between the two Houses. More important work is performed by the more important House, namely, the Lower House, while the less important tasks are handed over to the other House.

5. **Bicameralism secures the election of able and experienced men.**

In every country, there are men of ability, experience and talent who have achieved fame and recognition in some fields of national life as, for example, in science, arts, civil service, politics, etc. For some reason or other, such as of health, age or financial condition, they do not or cannot contest election to the popular assembly. In case there is only one house in the legislature, their abilities, experience and talent would not be of any use to the nation because they would not sit in it. But in a bicameral legislature it is possible to enable them to become its members and thereby, serve the country. They can either be nominated or elected to the Second Chamber.

6. **Bicameralism is necessary in a Federation for representation of component units.**

In a Federation, the country is viewed from two angles: Firstly, as a whole and secondly, as consisting of federating units. Bicameral system makes it possible that one house, the Lower House, represents the country or federation as a whole, while the Second Chamber may represent the component units. But such arrangement is not possible in a unicameral legislature.

7. **Bicameral legislature is a correct barometer of public opinion.**

Two Houses elected at different times and on different basis of representation are more likely to reflect the changes in the public opinion. A single chamber elected at one time may lose touch with public opinion by the time its term comes to an end.

Arguments against Bicameralism, or in favour of Unicameralism.

In spite of the manifold advantages or merits of Bicameralism, it has been severely criticised in several quarters. As a matter of fact, unicameral legislature was in favour during the 18th and the first half of the 19th century. After a lapse of half a century, again, opinion swung in favour of unicameralism, though at present it is again out of favour. Many advantages and merits of unicameralism are pointed out. They are as follows:

1. **Unicameralism is democratic: Bicameralism divides responsibility.**

It is said that there is only one will of the State and there should be one House alone to express it. Democracy, it is argued, should not speak in two voices. "Law", says Abbee Sieves, "is the will of the people; the people at the same time cannot have two different wills on the same subject; therefore the legislative body which represents the people ought to be essentially one." Benjamin Franklin compared a bicameral legislature to a cart with a horse on two sides both pulling in opposite directions. The existence of a Second Chamber is against the spirit of democracy and the unity and sovereignty of the State. Democracy requires that the people should be sovereign. If so, the chamber which represents the people should enjoy all authority. A second Chamber would necessarily represent special interests, and will, therefore, be undemocratic.

2. Second Chamber is either mischievous or superfluous.

The real difficulty with a bicameral legislature is how to organise it: should the two houses be equal in power or not? If they are equal, divisions, discord and dead locks between them are inevitable. If they are not equal in powers, what is the use of having two houses, of which one is powerless to affect legislative decisions? The Frenchman, Abbee Sieyes, expressed this dilemma in these interesting words: "Of what use will a second chamber be? If it agrees with the representative House, it will be superfluous, if it disagrees, it is mischievous." If it opposes the popular assembly, the Second Chamber is dangerous. If it agrees, it is a useless duplicate. In either case, it is not wanted. So, a single-chamber legislature is better than the bicameral one.

3. Unicameralism prevents duplication and wastage.

The system of two-chamber legislature duplicates the work of law-making. It means, therefore, loss of time, energy and money of the nation. So Laski is of the opinion that a single chamber legislature seems best to answer the needs of the modern State.

4. An ideal second Chamber is impossible

The advocates of unicameralism point out the difficulties of organising a good Second Chamber. They point to the prolonged controversy over schemes to devise an ideal upper house. In every country the Second Chamber is criticised for one reason or another. It is said that a satisfactory Second Chamber would be one which revises hasty legislation, but does not obstruct progressive legislation, serves as a bulwark against revolution but does not become a barrier against all reforms and progress, or resists ill-considered legislation but does not persist in ill-considered opposition to the popularly elected house. But it is beyond the wit of man to constitute such an ideal Second Chamber. Hence it is better to have a single-chamber legislature.

5. Defects of the Second Chamber.

Certain defects and flaws lie in the very nature of a second Chamber. It is often reactionary, because it represents special or vested interests. It is conservative. It seeks to protect minority interests at the expense of national or common interests. Moreover, a Second Chamber often prevents or delays the passing of good and progressive laws. The only way to avoid these defects and shortcomings of the bicameral legislature is to have a unicameral legislature. It will represent common interests, and will pass good laws and necessary acts more expeditiously.

6. The defects of Unicameralism are remediable or non-existent.

It is said that a single-chamber legislature tends to become despotic and endeavours to control the executive. But this tendency can be kept in check by such methods as the suspensive veto of the head of State, or by a second vote in the same chamber after some interval. Moreover, unicameral legislature can also provide proper representation to all sections, interests and minorities in a nation.. Hasty and ill-considered legislation can be remedied by further amendment. What is more, laws are not so much made by the legislature as passed by it; they are really drafted by experts. Hence there is little danger of ill-considered or hasty legislation.

7. Bicameralism is not necessary even in a federal State.

The advocates of unicameralism point out that in modern times members of the legislatures vote on party lines and not as representatives of a unit or locality. There is, accordingly, no use in giving representation to federal units in a Second Chamber. The interests of the component units in a federation can be safeguarded by the power of judicial review by the federal court. It would declare any law which violates the rights of the component units, granted to them by the constitution, as unconstitutional and *ultra vires* and therefore null and void.

8. Bicameral legislatures are transient.

It is said that bicameralism is a passing phase of history. It is cumbersome and complex, whereas a unicameral legislature is simple. As Laski says, "On theory, it is, indeed, difficult to see any case for a Second Chamber; a single chamber meets best the needs of the State." Moreover, the relations between the two Houses often result in deadlocks, in log-rolling practices between them, and the lack of responsibility on the part of either house. One house frequently passes an undesirable bill in the hope that the other house will kill it.

Conclusion.

Keeping in view the arguments in favour of bicameralism, we may conclude that, as Leacock puts it, "of all the means that have been used to secure in the work of legislation a due amount of caution and reflection, the most important is the division of the legislature into two Chambers." W.E.H. Lecky has also disfavoured unicameralism. He says that of all forms of Government that are possible among mankind, there is none which is likely to be worse than the government of a single omnipotent democratic chamber. That is why Sir J.A.R. Marriot opines that the experience of history is in favour of a bicameral system. Greater numbers of States in the world today have bicameral rather than unicameral legislatures.

Functions of the Second Chamber.

According to Lord Bryce, a good Second Chamber should perform the following four functions:

1. It must examine and revise the bills brought from the Lower House, that is, it must be a revising body.

2. The Bills dealing with subjects of politically unimportant and non- controversial nature should be initiated in this House, so that when they go before the Lower House, they may be passed quickly because they have already been discussed fully in the Second Chamber. It means it must be a helpmate of the more important House.

3. The Second Chamber should interpose so much delay, but no more, in the passing of a bill into law as may be needed to enable the opinion of the nation to be adequately expressed on it, especially with regard to bills affecting the fundamentals of the constitution or introducing new and important but controversial legislation. It should be a delaying but not an obstructing body. It must be a bulwark and not a barrier against democracy, reform and progress.

4. It should afford full and free discussion of larger questions, such as foreign policy, at a time when the Lower House is engaged in some other work. Such debates in the Upper House are particularly useful, because they do not affect the fate of the cabinet, and yet enables it to know the opinion of the legislature. It must be a *sounding board of public opinion* without endangering the life of the ministry. Such a House will have a stabilising affect on the tenure and strength of the cabinet. It should play the second fiddle to the popularly-elected Lower House. In other words, the Second Chamber should possess lesser and more limited powers, and its position should be subordinate, and not equal and co-ordinate with the Lower House.

Actual powers and functions of the Second Chamber.

The Upper Houses in the modern States show great differences in powers and functions. Lord Bryce writes, "Broadly speaking, the powers of the Second Chamber vary with the mode of its formation. They are widest where it is directly elected, narrowest where it is nominated or hereditary. The more it is popular, the more authority it has; the less it is popular, the less authority it will possess. Where not directly elected, it is always under the disadvantage of fearing to displease the popular House, lest the latter should seek to get rid of its resistance by rousing clamour among the people against it."

Two theories.

These are two theories regarding the powers of the Second Chamber. (1) Its powers should be equal and co-ordinate with the Lower House. But then it causes friction and deadlocks between the two Houses, or makes the Second Chamber a carbon copy or a duplicate of the popular

House. (2) Another theory is that the powers and functions of the Second Chamber should be lesser and subordinate to those of the First Chamber. This is what is usually done in actual practice, as described below: -

(i) Second Chamber usually possesses all the powers of the first Chamber except the power to grant money or finances, which should be exercised by the latter, because it is representative of the people and their interests.

(ii) Second Chamber should only be a revising body, with powers to suggest amendments but no authority to reject the measures passed by the popular House.

(iii) The executive or the cabinet should be directly related and responsible to the Lower House. The Second Chamber should exercise no control over the executive, especially in a parliamentary form of government.

(iv) It is also a universal practice to confer upon upper chambers certain special powers which the lower chamber does not possess for instance, in U.K., the House of Lords sanction is the highest law-court of the land. The American Senate has power to ratify treaties and appointments to high offices, and also the power to impeach the President.

Composition and Representation.

It goes without saying that the two houses must be constituted on different bases, otherwise there will be duplication. There is, however, no universal principle followed in all countries. But there are three principles for constituting the second chambers.

1. The principle of heredity.

The British House of Lords is a hereditary chamber. It provides representation to men of leisure, wealth, intellect and experience. But this method is antidemocratic and anachronistic or outdated. It is a product of English history and no nation would adopt it.

2. Principle of Nomination.

According to it, the executive nominates men of ability and character to the legislature who would not like to fight election to the popular house. This method is applied in the Canadian Senate. But it suffers from two defects. Firstly, the nominations are not always made on merits, but sometimes on party considerations or the like. Secondly, the nominated chamber is much weaker than the elected house.

3. Principle of election.

The second chamber may be directly or indirectly elected. The American Senate is directly elected by the 50 States of the U.S.A. on the basis of two members from each State. The French Senate is indirectly elected. The indirectly elected chamber may include competent men and women because they are elected by fewer and competent electors. But it is also possible that the few electors might be bribed easily. In the case of the directly elected chamber, the Second Chamber becomes the rival of the Lower House, as did the American Senate, which has become superior to the House of Representatives.

What is a satisfactory composition?

The Second Chamber should be indirectly elected. It does not then become the rival of the popularly-elected house, which must be superior to it in a democratic form of government. It should have greater chance of including competent members. Furthermore, it must have longer tenure of office than that of the Lower House, because its chief purpose is to provide continuity and experience to the legislative work. There must be some seats for nominated members so that the executive could appoint some talented men or women to them.

DIRECT LEGISLATION BY THE PEOPLE

Modern devices for Direct Democracy.

In modern times, several devices have been in use to enable the people to participate directly in law-making. Theoretical reason is that sovereignty belongs to the people, and there should be no intermediaries, like the representatives, between them and the law-making which is one of the most important sovereign powers. Practical reasons are the distrust of the legislatures and the dislike for the representative democracy. There are three devices to secure the direct participation of the people in legislation, viz, Referendum, Initiative and Plebiscite. To them the fourth, recall, may also be added, although it is of a somewhat different nature.

Referendum.

Literally the word 'referendum' means "must be referred" In Political Science, it means the device to allow the people to express their approval of a law which has already been adopted but not passed by the legislature till after the popular assent. It exists in Switzerland, and Australia, and in certain States of the U.S.A. Referendum may be compulsory or optional. In compulsory referendum all bills or certain kinds of bills must first be submitted to popular assent before they become laws. The constitutions of Switzerland and Australia require that all constitutional amendments must be put before the people before they are adopted. Moreover, nine Contons (i.e., Component Units) of Switzerland require that all legislation must be put to the referendum. In the Swiss Federation, for example, 47 ordinary laws and 90 constitutional amendments have been submitted to compulsory referenda since 1848. In **optional** or **factitive** **referendum,** popular vote only when a prescribed number of people petition for referring it to popular vote. In Switzerland the prescribed number for federal laws is 30,000 citizens or the legislatures of 7 Cantons. Optional

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referendum also exists in ten Swiss Cantons and in some States of the U.S.A. It may, however, be remarked that most of the laws submitted to the people's vote have been rejected by them. They have used referendum as a popular veto. In countries like France, new constitutions are submitted to popular referendum. For instance, a constitution was thus submitted to the French people in 1946, but they rejected it. A few months later, however, they approved another constitution in October, 1946.

Plebiscite.

It is a special type of referendum, because in the plebiscite, not a law, but some important public question is submitted to popular vote. It is usually undertaken to allow a nationality or a minority group to determine their political destiny. Sometimes a government also submits an important question to the people's votes. Though the popular decision is not binding, it generally determines the policy of the government. For instance, the U.N.O. has decided that the people of Jammu and Kashmir should decide by a plebiscite whether they would accede to Pakistan or India. Similarly, the 1947 Referendum in N.W.F.P. to join Pakistan was really a plebiscite. In 1942 Canada took a plebiscite on the issue of overseas military service. In 1958, the United Arab Republic was established after the people of Egypt and Syria favoured their union by a plebiscite held in the two countries.

Initiative.

It is the more direct method of legislation by the people themselves. It is a means to overcome the apathy or the refusal of the legislature to enact such laws for which there is a popular demand. **Initiative** means the right of the people to make a law on the proposal of a prescribed number of citizens as laid down by the constitution. It may be direct or indirect. In the **direct initiative** the proposed law is directly submitted to popular vote while in the **indirect initiative,** it is first placed before the legislature by the prescribed number of citizens, which prepares the law and then submits it to the popular vote. Hence the **initiative** may take two form, *formulative* and in *general* terms. In the formulative form, the proposers of the law prepare it in a complete form of a bill, which the legislature cannot change but submit it directly to the people. If the proposers for a new legislation merely make a demand in general terms, it is the duty of the legislature to draft, consider and pass the law as demanded by the citizens and then submit it to popular vote. This is the indirect initiative. In Switzerland, the federal constitution allows the initiative only for constitutional amendments and not for ordinary legislation. Fifty thousand voters can propose an amendment to the constitution either in the form of a complete bill or in the form of a suggestion to be passed as a bill by the legislature. In the Swiss Cantons, it is used both for constitutional and ordinary laws. In America, 18 States provide for it in matters of ordinary legislation, and 13 States for constitutional issue.

Merits of the Referendum and Initiative.

Theoretically, much can be said in favour of the referendum and the initiative:

1. **They are based on the sovereignty of the people.**

Modern democracy is a representative or indirect democracy and creates a body of law-makers between the people and their sovereign right to make laws. It, therefore, violates the sovereignty of the people. These devices of direct legislation by the people remedy this shortcoming and enable them to propose and approve laws themselves. They are thus the surest methods of finding the real wishes of the people, and an excellent barometer of public opinion.

2. **They encourage respect for laws.**

As laws are made by the people themselves according to their wishes, they are obeyed more readily and willingly than the laws made by the legislatures. This enhances their respect for laws. At the same time, these methods ensure that the laws which do not secure people's assent will never be imposed upon them. The referendum is really the power of the people to veto unwanted laws. On the other hand, the initiative has the advantage of compelling the legislature to act. It is a means for overcoming the apathy or inertia of a legislative body or its refusal to make such laws as the people ask for.

3. **They avoid the defects of the legislative bodies.**

The methods of direct legislation are devised to avoid the defects from which the present legislative bodies suffer. They are the arenas of party intrigues and quarrels. They are controlled by vested interests. They are dominated by personalities and party bosses rather than by principles and programmes for popular welfare. Hence they make laws not as the people wish or their welfare demands, but for the considerations of the political parties, personalities and for the sake of the vested interests of certain sections of the nation. The referendum and the initiative minimise the importance of political parties and discourage party spirit. The people are more impartial and more rational in outlook than the political parties & leaders. They cannot be dominated by parties, or bosses. They judge proposed legislation on its merits and not on the basis of vested interests of parties or groups. The electorate cannot be subjected to any kind of pressure or intimidation by parties or pressure groups as the small number of legislators can be. Moreover, the referendum is a good device to resolve the differences and deadlocks between the Houses of the legislature, as it is actually provided in the Australian Constitution. Furthermore, as Lord Bryce says, direct legislation is a useful link between the people and the legislature, as it "helps the legislature to keep in touch with the people at other times than at general election and in some respects a better touch, for it gives the voters an opportunity of declaring their views on serious issues apart from the destructive or distorting influence of any party".

4. **Direct legislation is a good political education of the people.**

Referendum and initiative arouse the interests of the people in public affairs, because they are themselves the lawmakers. Thus their patriotism and sense of responsibility are fully stimulated. They make such laws as they desire, while they reject unwanted and undesirable laws. This fact compels them to be careful and responsible in public matters because they are governed by laws which they have themselves approved. Thus direct legislation comes nearest to the ideal of direct democracy in modern conditions of large populations and vast territories.

5. **Lastly, direct legislation is a good safety-valve and a safeguard against revolutionary violence.**

Whenever the people want to make new laws or constitutional changes, they can initiate such measures themselves without waiting for legislative action. Thus constitutional and legal changes can be brought about without any revolutionary agitation and violence. There is no time-lag in direct legislation, as there is no need to wait for electing a majority party or for legislative procedures. Moreover, experience has shown that, left to themselves, the people are more conservative than radical in their beliefs and attitudes. If the laws and governments are according to their own wishes, they dislike introducing any sweeping change in the State or society.

Demerits of Direct Legislation

1. **It undermines the prestige of the legislatures.**

One of the chief arguments against direct legislation is that it undermines the prestige of the legislative bodies. As the legislators know that the laws are ultimately to be referred to and voted upon by the people, they do not feel the same sense of responsibility for the laws they adopt and take little interest in their legislative duties. It makes them careless and even timid in proposing progressive laws lest they should be rejected by the people. Lord Bryce has summed up the effects of direct legislation on the legislature thus. "Its sense of responsibility is reduced and it may be disposed to pass measures its judgment disapproves, counting on the people to reject them or may fear to pass laws it thinks needed lest it should receive a rebuff from the popular voice."

2. **The people are unfit to pronounce on complex problems.**

Laws are technical matters of complex nature, which ordinary citizens have neither experience nor knowledge to understand them. Some laws, like those relating to banking, currency, public control of industry and free trade, are such intricate matters that even well-informed citizens cannot grasp their implications. Moreover, a simple 'yes' or 'no' to intricate questions and complicated details of laws is not the best means of expressing the will of the people. "The difficulty, in fact," as Laski has rightly pointed out, "which direct government involves is the final difficulty; that it is by its nature too crude an instrument to find room for the nice distinctions inherent in the art of government." The art of government and law-making requires intelligence of a much superior order. Average citizen has neither time nor interest in this task. He is too busy and ignorant to carefully examine the issue put before him for vote. It is for this reason that the referendum is described is "an appeal from responsibility to irresponsibility, from knowledge to ignorance." The initiative suffers from still more serious defects. In the case of direct initiative, bills, proposed by the people, are hastily prepared and poorly drafted and wrongly worded laws. Lastly, "you cannot amend and alter when your legislative assembly consists of millions of member." A bill put to popular vote has to be accepted or rejected as a whole. In the legislative assembly, on the contrary, amendments and changes can be introduced after thorough discussion and debate in it. Hence the legislative procedure is far superior to the crudities of popular voting.

3. The electorate is exposed to the same propaganda pressures as the legislatures.

The advocates of direct legislation are wrong in asserting that the people are not exposed to the propaganda of the parties, newspapers and demagogues. On the contrary, when political parties and groups with vested interests once come to know that all depends upon popular vote, they become so organised and skilful in propaganda techniques that they mislead the mass of voters more easily than the members of the legislature. Moreover, politics is a tug-of-war between various classes and vested interests in the community. Ordinary citizen is too simple and too honest to understand the conflict of opinions expressed by different classes and sections. He can be easily bamboozled or befooled by an interested party which is not possible in the case of the experienced and well informed members of the legislature.

4. People do not take much interest in direct legislation.

Experience shows that the people do not exercise the right to vote carefully, because very few people actually cast "their votes. It is true that the number of those who actually vote at referenda is often less than 50% of the qualified votes. The cause is what is called "electoral fatigue", i.e., the people become tired of constant polling. The small percentage of voters implies that the bills actually adopted by direct legislation do not secure the approval of the people as a whole. It also means that direct legislation has no educative value, as it is pleaded by its supporters. On the contrary, it shows that the people either care little for it or lack civic sense and patriotism or are unfit to perform their public duties.

5. Direct legislation vitiates the majority principle.

A serious objection to direct legislation is that an affirmative vote by a small majority is open to much doubt and dangers. Nobody cares much for the size of the majority in favour of a bill passed by a legislature. But a bill adopted by a majority of, say, 53% votes in a referendum implies that millions of voters have rejected it. They feel aggrieved to have been overridden by a negligible majority.

6. People are conservative in temperament.

Experience in Switzerland and elsewhere has also revealed that the people are conservative in temperament. They dislike new and progressive legislation. Hence they readily fall victim to the propaganda of the conservative and even reactionary classes and sections of the nation. Direct legislation has not, therefore, led to social improvement and progress anywhere. Its bad effects would be all the greater in countries where illiteracy and ignorance is more wide-spread than in Switzerland or U.S.A.

7. Direct legislation is unfit for parliamentary and for large States.

In countries with parliamentary form of government, like Britain, direct legislation will be a source of confusion. It will upset the principle of cabinet responsibility, directly to the parliament and indirectly to the people. It will also undermine the sovereignty of the parliament. An appeal to the electorate over the heads of the members of parliament will reduce their importance and prestige. It will also confuse the cabinet because it will have to resign if an important bill put to popular vote is rejected by the people. It is also unfit for the States with large territories, where it would be too expensive and troublesome.

Conclusion.

Direct legislation has not been a success anywhere except Switzerland, where, as Lord Bryce has rightly remarked, its success bespeaks of the Swiss people's intelligence and knowledge of public matters and their conservative nature. In America, it has done positive harm. Professor Laski has aptly remarked that direct legislation has no special contribution to make to our problems. All the advantages which could be derived from it can be secured by improving the present political institutions and practices as, for example, by reforming political parties or by improving the system of representation. We conclude with Dr. Finer that direct legislation has done little good and its experience is a warning to us: "It improves nothing; neither the laws nor the people. It disturbs everything without providing solutions."

Chapter 30

Executive

Meanings of the Executive.

The second organ or department of the government is the executive. This term is used in a broad as well as in a narrow sense. In the broad sense, the executive includes all officials of the State from the highest to the lowest, from the president down to a policeman or a patwari, who execute or enforce laws and administer the country. In the narrow sense, it denotes the heads of the executive departments who determine the policy of the government, that is, the president or the king and the ministers or the cabinet. It is in this sense that the term 'executive' is commonly used in Political Science. Thus the executive in Great Britain means the Queen and the Cabinet of ministers, headed by the Prime Minister; and in the U.S.A. the President and his Secretaries; in Pakistan the Prime Minister and the Central Ministers or Provincial Governments and Ministers. Those subordinate officials, who carry out the policy and actually enforce the laws, are administrative officials or simply the Administration. They constitute the public services.

Executive and Administration distinguished.

Although closely linked and inseparable, the two are distinct in the nature of their work, functions and tenure of office, (i) The basic distinction is regarding policy and law. The executive performs political function of formulating law, while the administrators perform 'administrative' function of enforcing it. The executive lays down the policy of the government, the permanent public service carry it out in the day-to-day administration of the country. The executive sees that the laws are properly enforced, but their actual enforcement in daily administration is the primary duty of the public services, (ii) Another distinction is that the executive consists mostly of the representatives, elected, for a certain period of time to their offices, by the people, while the public servants are permanent officials, appointed to their posts under civil service rules of recruitment, promotion and retirement, (iii) The executive is responsible to the legislature, or the people, but the administrative officials are responsible to the heads of their departments, (iv) While the executive heads or ministers are politicians, the administrative officers do not participate in politics. They keep themselves aloof from politics and serve any political party in power. In spite of these differences, however, the importance and influence of the administration have increased in the modern State so much that it exercises several legislative, judicial and even policy-determining powers. Hence it is now sometimes called the "fourth branch of the government."

Importance of the Executive.

As government is the agency for maintaining law and order, progress and happiness of the people, its executive branch is more important than the other two branches, the legislature and the judiciary. "The essence of government is an executive. The legislature and the judiciary are merely the instruments for constitutionalizing it." Before the rise of the modern constitutional State, the executive was the most important organ of the State. The legislature was non-existent, while the judges were the servants of the king. That was why the French King, Louis XIV, could boast: "I am the State". But the excessive and oppressive exercise of the authority by the kings and other rulers caused a reaction and a widespread distrust of the executive power, which led to the demand for constitutional limitations on it by means of the legislature and the judiciary. The result was the establishment of the modern constitutional democracy, in which laws are made by the legislative body, and enforced by the executive in such a way that it is responsible to the former for the enforcement of the laws. It is also accountable to the legislature for the policy it lays down and the acts it performs. In spite of the legislative control and responsibility, the executive still exercises great powers and performs important functions. They are now constantly increasing, as the State is becoming more and more a service or welfare State. Even in the socialist States the powers of the executive have increased tremendously.

Its Essential Attributes.

In order to perform its important functions, the executive must possess certain qualities or attributes. They are mainly the attributes of leadership. Leadership is the essence of the executive. It means the executive must have the qualities of energy, unity of will, promptitude in action, finality of decision and secrecy. The proper function of the executive is not deliberation but prompt action and execution of the laws made by the legislature, which requires both speed and secrecy. Hence the executive consists of one or few persons and not of many as does the legislature. The executive should have ample discretionary, but not arbitrary, powers. If the executive possesses unlimited and irresponsible powers, individual liberty would be endangered. Moreover, the term of office of the executive heads should be fairly long so that they may properly carry out their policy and judge its results. But this period should not be so long as to break off all connection with public opinion and cease to be responsible to the people. Hamilton, writing in the *Federalist,* summarised the attributes of the executive thus: "Energy in the executive is a leading character in the definition of good government. The ingredients which constitute energy in the executive are firstly, unity; secondly, duration: thirdly, an adequate provision for its support, fourthly, competent power. While those which constitute safety in the republican sense are, firstly, a due dependence on the people and secondly, a due responsibility."

Functions and Powers of the Executive.

The powers and functions of the executive are not the same in all States and at all times. They are greater in the cabinet government than in the presidential one, greater in the totalitarian States than in the liberal ones, greater in the modern welfare State than in the old *laissez-faire* State. We may, however, briefly describe them as follows:

1. Internal Administration.

The essential function of the government is to maintain law and order. It is, therefore, the primary function of the executive. It has to direct and supervise the execution or enforcement of the laws and the administration of the country. This function is fulfilled particularly by the Home or Interior Department, headed by the Home Minister. Several administrative departments are established under it, such as the police, the prisons and the courts. In order to perform its administrative functions, the executive has two powers: the power of appointment and of direction. The subordinate officials and public servants are appointed, promoted and removed by the executive head or minister. In modern times, however, the exercise of this power of the executive is regulated by the laws and rules of recruitment of public services. In the presidential form of government, e.g., U.S.A., the appointing power of the executive is further limited by the consent of the Senate. The power of direction means the power to see that the law and policy laid down by the ministers are properly carried out by the permanent officials according to their directions, orders and instructions.

2. Military Functions.

The executive has also the duty of defending the State against foreign aggression or internal revolt, in order to preserve its integrity and security. This function is performed by the Defence or War Department. It has the power to conduct war against other States, to defined the State against foreign invaders, to control and direct the three armed forces, — army, navy and air force, including rockets, or missiles for space warfare and to keep the country in war-preparedness both for defence and offence, by maintaining all kinds of military and defence installations, like military bases, cantonments, defence research, etc. It declares war, makes peace, declares a State of emergency or martial law or a State of siege. In the parliamentary government, the military functions are performed with the confidence of the legislature. In the presidential government, the president must seek the concurrence of the congress for declaring war. In wartime, however, the powers of the executive are increased manifold, when many of the processes of law and democracy, like the fundamental rights, civil liberties, writs, elections, etc., are suspended. In simple words, the executive becomes the most important organ of the State during war-time.

3. Diplomatic Functions.

Every State is sovereign and independent, but it must have relations of various kinds with other States. These are diplomatic or foreign relations. They are conducted by the Foreign or External Department, headed by the Foreign Minister or the Secretary of State for Foreign Affairs. This Department appoints diplomatic representatives in foreign States, receives their diplomatic representatives, conducts negotiations for various kinds of treaties and agreements, such as defence treaties, friendship or commercial treaties and agreements, etc. In some States, e.g. U.S.A., the treaty-making power of the executive is subject to the approval and ratification of one or both Houses of the legislature. Nevertheless, the executive enjoys wide discretionary powers in the conduct of foreign policy and relations.

4. Legislative Functions.

Normally, law-making is the concern of the legislature. But, in all modern States the executive also participates in it, depending on the form and structure of the State. The share of the executive in legislation is greater in the cabinet form of government and lesser in the presidential form of government. In the parliamentary or cabinet form of government, the executive directly and actively participates in law-making.-The ministers sit in the legislature, introduce bills for legislation and get them passed by guiding parliamentary debates and decisions. No bill, passed by the legislature, can become a law till it has an assent by the chief executive i.e., the King or the President. The power of the executive to reject such a bill is called a *veto*. In law, the British King or Queen has the power of veto, but in practice the veto power has never been used since the days of Queen Anne (1702-14). Furthermore, the executive has also the power to summon, adjourn, prorogue and even dissolve the legislature and order new general elections. In the presidential form of government, in spite of the separation of the legislative and executive powers, the latter has some legislative duties. The President has the right to send messages to the Congress, inform it about the State of the nation, recommend new legislation and financial proposals or budget and call special sessions of the legislature. He has also the power to veto the bills passed by the Congress, which can, however, override it by an enhanced majority vote. Besides the control and guidance of the legislature, the executive now possesses two legislative powers also: the power of issuing ordinances and of the delegated legislation. The power of issuing ordinances is frequently conferred on a president in a republic or

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on a king by the constitution. The Constitution of Pakistan has conferred the ordinance-making power on the President and in the Provinces on the Governors. In Great Britain, the Parliament has delegated legislative powers to the executive departments, but within the limits set by its laws.

5. Financial Functions.

Every government collects and spends large sums of money. This task is performed by the finance department, headed by the Finance Minister. This department prepares the budget, i.e., the annual Statement of the income and expenditure of the government, submits it to the legislature for its approval and then collects the taxes and spends them according to the budgetary allocations. It also audits the expenses and revenues of all other departments of the government.

6. Judicial Power.

The chief executive or the head of State has also the right of pardon or clemency, either before or after trial and conviction. The power of pardon is required for various considerations, such as to correct possible judicial errors in the administration of justice, or for the sake of humanity or sound public policy, etc. The chief executive may also issue a general proclamation of amnesty, setting free the prisoners.

7. Administrative justice.

In modern times, the ministers and administrators also act as judges. They hear cases and settle disputes, but within their ministerial jurisdiction.

8. Some other functions.

Every government today performs far more functions and exercises for greater number of powers than those enumerated above. It regulates trade, commerce, industry, agriculture, education, public health, transport, etc. Indeed, the functions and powers of the government, that is, of the executive, are constantly increasing in modern times. Let us see why it is so.

Executive powers on the increase.

One of the most significant trends in the modern States is the constant growth of the executive power at the expense of the legislative and judicial organs of the government, whether authorised by laws and statutes as in a constitutional State, or not so authorised, as in the dictatorship. The reasons for the increase in the powers of the executive organ over the legislative and even over the judicial organs in present times are as follows:

1. Need for leadership.

Government is a phenomenon of leadership. In the 19th century, the parliaments or legislatures were able to provide leadership both in the government and to the people. But they have now failed to do so. On the other hand, the executive now provides it once again in a far more successful manner. While the legislature and the judiciary have demonstrated their incapacity or inadequacy to cope with the detail and the complexity of many problems of modern society, the executive leaders, whether prime ministers, presidents or dictators, show experience skill and resolution to tackle them successfully. Modern government needs such a leadership which is continuous and acknowledged, concentrated and co-ordinating, adequately informed and equipped. The executive alone is able to provide such a leadership and has, therefore, acquired more power and prestige.

2. Change in attitude.

Lord Bryce has rightly said that with the rise of popular governments, the former suspicion of the executive power has vanished. He writes in *Modern Democracies*. "The executive power was long deemed dangerous to freedom, watched with suspicion, and hemmed in by legal restraints, but when the power of the people had been established by long usage, these suspicions have vanished."

3. Decline of the legislatures.

The legislatures have also declined in importance and influence due to several causes. They are over-burdened with work and cannot perform all their duties which they have to delegate to the executive. The system of territorial representation is defective and inadequate. The methods of election and party system do not encourage best men to enter them. The weaknesses and incompetence of the legislatures have, consequently, further lowered the prestige of the legislatures.

4. Delegated legislation.

The legislatures now delegate law-making powers to the executive, as they find little or no time to pass adequate and detailed laws themselves, nor do they feel themselves competent to deal with the intricate details regarding the measures they pass. The executive departments make many subordinate laws and issue rules and regulations which are binding on the citizens. Delegated legislation has, therefore, made the executive organ not only the law-enforcing but also the law-making organ, thereby increasing its powers and importance.

5. Quantitative increase in governmental functions.

Modern States have definitely renounced the individualistic view that the State is merely a policeman and can contribute nothing good to individual happiness. On the contrary, it has assumed manifold duties and functions, especially in the economic field. They are no longer law and order, States only. Many of them have become service or welfare States, and some of them have even become socialist States which perform far more functions than the welfare States. Almost every modern State now deals with such matters as industry and agriculture, public health, sanitation, education, commerce and trade. They build roads, railways, bridge and communications, control floods and rivers, make canals and build dams and power plants, regulate currency, coinage and credit, prices and supply of food grains and other necessaries of life. They plan for industrial and agricultural development, etc., in the Communist Countries; the State performs far more function than those enumerated above. As the legislature cannot perform them adequately, because it lacks time and expert knowledge, they are necessarily performed by the executive. This fact has tended to increase its powers and importance.

6. The elected executive.

Unlike the monarchies of old, when the executive heads, the kings or emperors, were hereditary rulers, the modern executive is usually elected by the people, whether he may be a president or a prime minister. The elected executive enjoys greater powers and more prestige, partly because he holds his office by general consent and partly because he is supported by an organised political party.

7. Party discipline.

Another cause of the growth of the executive power is the organisation and rigour of party discipline over its members. Political parties are-well-organised and exercise strict control and discipline over their members, whether they are ruling or opposition parties. The ruling parties must do so to keep themselves in power and the opposition parties in order to overthrow the existing cabinets and seize political power. They control their members even in the legislatures during parliamentary debates and voting on the bills or policy. The legislatures are, therefore, reduced to "registering ciphers". They pass the laws which are introduced and backed by the executive.

8. Public opinion.

The executive has acquired greater control over the agencies of public opinion, like the television, the radio, the press, etc. This has also reduced the importance of the legislature as a free organ for expressing public opinion.

9. Modem wars.

Modern wars are total wars, especially since the World War I. They have enhanced the powers of the executive. Moreover, the habits acquired during wartime tend to persist during peace-time. People continue to look to leadership from the executive even when the war is over, especially in modern times, when all nations, led by the superpowers, are busy preparing feverishly for another global or regional war.

10. Rise of dictatorships.

Modern dictatorships frankly proclaim the predominance of the executive over legislature. They recognise no restrictions, constitutional or otherwise, on the powers and authority of the dictators, who have concentrated all powers into their hands, free from all legislative consent or sanction. The dictator controls the ruling political party and through it the legislature, if any. He has no need for judicial review or restraint.

11. The executive has also assumed many judicial powers, even in democratic States, such as the administrative law.

TYPES OF THE EXECUTIVES

Organisation of the Executive.

Before the rise of modern democracy, the executive power was held by hereditary monarchs. There was, then, only one kind of executive, the hereditary executive. In modern times, there are, however, various ways of organising the executive in different countries. They may be classified on various principles as thus:

1. Nominal and real executives;
2. Single and Plural executives;
3. Hereditary, elective and nominated executives;
4. Parliamentary and Presidential executives
5. Dictatorships.

Nominal and Real Executives.

Much confusion will be avoided in understanding the organisation of the executive if the distinction between the nominal or titular and the real executive is carefully kept in mind. In the parliamentary State, the King or President is the chief executive. In law or constitution, he possesses great powers and authority. But in practice he does not exercise them at all. They are really exercised by the prime minister or the cabinet. Hence he is merely a nominal or titular head of the State. His position is constitutional and his functions are only ceremonial. The real executive is the prime minister and the cabinet of ministers who exercise all his powers in his name. The King or Queen of Britain, the Pakistan President under the 1956 and the original 1973 Constitutions, and the Indian President are examples of the nominal executive chiefs, while the Prime Ministers and the Cabinets of these countries are the real executives.

Single and Plural Executives.

A distinction is sometimes made between single and plural or collegial executives. A single executive is one in which all the executive powers are in the hands of one individual, usually called the president. Its example is the President of the U.S.A. He is helped by his ministers or secretaries; they are not his colleagues but his nominees. They follow the policy as determined and decided by him. The plural or collegial executive is one in which two or more persons exercise executive power. The seven-member Swiss Federal Council is the best example of the plural executive, because each member is independent of the other members in deciding and administering his departmental affairs. There are several historical examples of plural executive, like the two kings of Sparta in ancient Greece, the two consuls in ancient Rome, the Directory of the French Revolution during 1795-99.

Merits and Demerits.

The single executive has the merits of unity, promptness of decision, energy, singleness of purpose and direction which are the necessary characteristics of the executive organ of the State. It shows efficiency, responsibility and initiative in governmental work and policy. But it also suffers from some defects and dangers. It may cause oppression and tyranny, as the single chief executive is not responsible for his authority to a cabinet or parliament. As Lord Acton said, all powers corrupt and absolute power corrupts absolutely. It also leads to irresponsibility, and dictatorial rule. It suffers from the danger *of coup d'etat* or sudden political changes, as in various Latin American States.

The plural executive has several merits. It furnishes a better check on the oppression and abuse of power by the executive. It is more difficult for the plural executive to encroach upon the legislative power or upon the liberties of the people. There is also a little danger *of coup d'etat* in the plural executive. But it has also some defects. It lacks unity, promptitude, initiative and singleness of purpose and energy. It causes inefficiency and confusion. It lacks responsibility. What is decided by a board, says J.S.Mill, is the act of nobody because responsibility cannot be pinned down upon any one person. Moreover, it causes intrigue and rivalry among different members. This kind of executive has been a success in Switzerland due to the political sanity and moderation of the Swiss people. In all other States, the plural executive has always been either short-lived, or it assumed the form of the pluralism of the cabinet system in which responsibility becomes collective and centralised under a single leader, the prime minister. The Swiss type of plural executive is quite unfit for Great Powers and for the adventurous States with great plans and ambitions for progress and expansion. The Swiss are a quiet and placid people, wedded to a slow routine of social and political change, if any at all. This shows that the form of an executive suits the position which a nation has itself adopted.

Hereditary, Elective and Nominated Executives.

Yet another method of classifying the executive is the mode of choice of the head of State. It is done in of the three general ways: (1) by hereditary succession; (2) by election; and (3) by nomination or selection.

1. Hereditary Executive.

Hereditary executive is associated with the monarchical form of government. The term of office is life long and the office goes according to the law of primogeniture. It is the oldest way of choosing the head of the

State, whether a king or emperor. But it now exists only in quite a few countries, where monarchy has become constitutional like Britain, Japan, or in those countries which have made no constitutional progress, like Saudi Arabia and such other politically backward countries. In advanced countries, like the U.K. or Japan, the monarch is merely a nominal or titular head of State, exercising none of the executive powers which are legally his. His office is thus removed from party politics and effective power, which is the secret of its stability, continuity and popularity as a national institution. In backward countries, where it is neither constitutional nor nominal, the monarch exercises real executive powers, but without much popular backing and is liable to sudden changes or revolution, as was illustrated by the revolutionary overthrow of the Iraqi monarchy and the establishment of the Iraqi Republic, and in 1979 in Iran when the Shah of Iran was overthrown by a bloody revolution and the Islamic Republic of Iran was established. This shows that the hereditary monarchical form of the chief executive would only survive if it becomes a constitutional, limited and titular or nominal monarchy. On the whole, the hereditary executive is now-a-days looked upon only as a relic of the past.

2. Elective Executive.

In present times, many of the chief executives are elected. Three different ways of election are: (a) direct election; (b) indirect election; (c) election by the legislature.

(a) Direct Election.

The method of direct election of the executive by popular vote represents the opposite principle to that of the hereditary method. In some countries the chief executive, the president, is directly elected by popular vote .e.g., Chile.

(b) Indirect Election.

Indirect election is more common. In this case, the people elect an "electoral college", the members of which then choose a man or woman to be the chief executive or president. For example, the President of Argentine Republic, the Presidents of the U.S.A., Pakistan, India, etc. are elected by an electoral college, consisting of the members of the legislature. In U.S.A., for example, they are equal to the number of the members of the Congress.

Its advantages.

It is claimed that the method of indirect election has greater advantages than that of direct election. It avoids the tumults and convulsions, tensions and excitements of direct election. It leads to a more intelligent choice because it is made by a small body of persons who are better qualified to judge than are the masses. "It is desirable", writes Hamilton, while commending the indirect method of electing the American President, "that the immediate election should be made by men most capable of analyzing the qualities adapted to the situation. A small number of persons elected by their fellow-citizens from the general masses will be most likely to possess the information and discernment requisite to so, complicate an investigation."

Its defects.

But all this is only in theory. In practice, it may not remain indirect. In many cases, the indirect election of the chief executive has become direct election by popular vote. This change has been brought about by the rise of political parties. Party discipline has reduced the electors to mere "party puppets" with no discretion or independence of judgment. They are pledged to vote for the party's candidate. In this way the indirect election of the American President has become really a direct election by the people. It has now the defects and drawbacks of the direct election, namely, the tumults, convulsions and excitements, in which millions upon millions of dollars are wasted on a very expensive national pageantry.

(c) Election by the Legislature.

Election by the legislature is a type of indirect election, in which, instead of the specially elected representatives, the members of the legislature constitute the 'electoral college' to choose the chief executive. In present times, most of the countries have adopted this method, such as Switzerland, India and Pakistan. In Switzerland the Federal Executive Council is elected by the Federal Legislature. In India, as well as in Pakistan, the Electoral College to elect the Indian or Pakistani President consists of the members of the Central Legislature and of the elected members of the "State" or Provincial Legislatures, as in Pakistan.

Demerits.

This method too has certain shortcomings. First of all, it violates the principle of the separation of powers. It entrusts the law-making body with the duty of electing the executive chief. By doing so, it is not only distracted and diverted from its normal function of law-making but also becomes an arena of party intrigues and pressures before and at the time of the presidential election. This endangers the smooth working of the government. Moreover, that the members of the legislature are better judges of the qualities of the presidential candidates is also falsified by the fact that their judgment and votes are rigidly controlled by the parties to which they belong. Furthermore, \t opens the doors to political bargaining, intrigues and bribery by the candidates. This leads to another defect. The candidate who owes his office to legislative votes becomes subservient to this body as well, thus subordinating the executive to the legislature.

Merits.

Nevertheless, this method is free from many of the defects of the other two methods of direct and indirect election. The members of legislature are far better qualified to elect the chief executive than the masses of voters or a body or intermediate electors. They are directly concerned with public affairs and personally acquainted with the leading Statesmen who stand as candidates for the presidency. Moreover, it also ensures harmony and co-operation between the legislative and executive departments, because the elected president necessarily belongs to or is supported by the majority in the legislature. "The party", says Mill, "which has the majority in parliament would then as a rule appoint its own leader who is always one of the foremost, and often the very foremost, person in political life." Thus the country is ruled by the best Statesman available. Finally, it avoids all political tumults and convulsions and the wasteful pageantry which accompany direct or indirect election of the president.

3. Nominated Executives.

Another method of choosing the executive is by selection or nomination, made by a superior authority. Obviously this method is useful in those countries which are the dependencies, colonies or dominions of an imperialist country. For instance, the Governor-Generals of British India were selected and appointed by the British Crown. The Crown also appoints the Governor-Generals of the British Dominions, like Canada, and the Governors of the British colonies. But this method is not possible in sovereign and independent States. It is, however, very useful for appointing subordinate executive officials, like the Governors of the provinces or component States, and various divisional and district officials, e.g., commissioners, deputy commissioners, etc. The chief defect of this method is that it lends itself to nepotism and favouritism which can, however, be remedied by means of competitive examinations, public service commissions, or by advisory committees.

Parliamentary and Presidential Executive. (See chapter above)

Dictatorships. (See Chapter above)

Duration of Office.

How long a head of the State should hold office? The answer depends upon the nature of the executive and therefore differs from government to government. The hereditary monarchs hold their high office as long as they live or till overthrown by a *coup d'etat* or revolution. The nominated chief executive holds office only so long as the appointing authority likes or for a fixed term of years as laid down by the law or the constitution. The cabinet of ministers remains in office for as long a period as it has the confidence of the parliament, which may be a few months as in France before de Gaulle or three or four years as in the U.K. The dictators are in power for life or till they are overthrown or dead. The problems of the duration of office arises really with regard to the elected chief executives, the Presidents. Here it has two aspects: the length of the term of office and the question of the re-election or re-eligibility.

The term of office of the elected executive should be neither too short nor too long; it should be neither one or two years, nor six or seven years. A term of four or five years is considered ideal. It is long enough to provide stability, experience, energy and efficiency in administration. It is short enough to ensure responsibility of the executive to the public opinion. It also ensures his independence and enables him to follow a consistent and vigorous policy and plan. It can be further improved upon if a provision is made for re-election. Thus the services and experience of a chief executive can be utilised for another term of office, if he has proved his worth and talent during the first one, thus making the first term a period of probation.

The Problem of Re-eligibility.

The question of re-election is closely linked to that of the tenure of office of the executive. There is, however, no uniformity of practice. Re-election is forbidden in the constitutions of some Latin American States, but permitted in Chile, Argentina and Brazil, if a specified period has intervened between the first and the second term. Pakistan and Indian Constitutions permit the President to be re-elected but only once. Up to 1951, the American Constitution was silent over the question of President's re-election. George Washington, however, set a precedent of holding the office for two terms only. But this precedent was disregarded by President Roosevelt who was elected four times as President. In view of this, the Constitution was amended in 1951, limiting the election of a President to two terms only.

The question of re-eligibility, however, should be decided according to the length of the term of office. If it is a long period of six or seven years, re-election is not necessary. Re-eligibility is also not necessary in the case of nominal or titular heads of State. For too short terms, it is a source of trouble. For a term of four or five years, re-eligibility is both useful and necessary, because it increases opportunities for experience, wisdom, public service, stability of administration and long-term planning and policy.

Chapter 31

Judiciary

Importance of the judiciary.

Judiciary is the third organ of the government. Ordinarily it is not considered to rank equal to the other two: but it is a mistaken view. Its importance is as great, if not greater, as that of the executive and the legislature. Henry Sidgwick has rightly emphasised that "the importance of the judiciary in political construction is rather profound than prominent. On the one hand, in popular discussion of forms and changes of government, the judicial organ often drops out of sight; on the other hand, in determining a nation's rank in political civilisation, no test is more decisive than the degree in which justice, as defined by the law, is actually realised in its judicial administration, both as between one private citizen and another, and as between private citizens and members of the government." It performs certain functions which are so very necessary for the life and happiness of the citizens. It ascertains and protects rights and liberties of the citizens. It punishes crime, and protects the innocent from injury and usurpation. There is no better test for excellence of a government than the efficiency of its judicial system, for nothing more nearly touches the welfare and security of the average citizen than the feeling that he can rely on the certain and prompt administration of justice. Justice is the foundation of the States.[49] Indeed, as Laski says, the judicial processes and procedures, in spite of their forbiddingly technical character, are more closely related to liberty than the splendid sentences in which Rousseau depicts the conditions of its attainment. Lord Bryce paints a dismal picture if the judiciary fails to work properly and honestly. He says: "If the law be dishonestly administered, the salt has lost its flavour; if it be weakly or fitfully enforced, the guarantee of order fails, for it is more by the certainty than by the severity of punishment that offenders are repressed. If the lamp of justice eyes out in darkness, how great is that darkness.[50] "Obviously, therefore," adds Laski, "the men who are to make justice in the courts, the way in which they are to perform their

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[49] Indeed, it was for sake of adjudication and justice and not for the sake of defence and war that the State grew up in the ancient times. As Aristotle writes. "Justice is bound up with the States for adjudication is the ordering of political society". *(Politics, Bk. 5, Chap.2)* Zimmern writes: "The real motive force that drove men into the city or State was not the need for efficiency in time of war so much as the need for efficiency in lime of peace: They came together not so much for safety as for justice" Cf. *Greek Commonwealth*, p. 82.

[50] *Modern Democracies*. Vol II. p. 384.

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functions, the methods by which they are to be chosen, the terms upon which they shall hold their power and other related problems, lie at the heart of political philosophy. When we know how a nation-State dispenses justice, we know with some exactness the moral character to which it can pretend."

Functions of the Judiciary.

In modern times, the judiciary performs several functions, but there is no uniformity about them in various States. We shall enumerate here the most important of them.

Settlement of Disputes:

The primary function of the judiciary is to apply existing laws to the cases or legal disputes brought before the courts for settlement. These cases may be civil or criminal. When a case is brought before a court, its duty is first to find the facts, then to discover the law applicable to the case, and pass a judgment according to it. Thus the judiciary applies the laws, ascertains and decides rights, punishes crimes, administers justice and protects the innocent from injury and usurpation. Nevertheless, to a judge a law is as it is laid down by the legal sovereign, no matter if it is good or bad, just or unjust, moral or not moral.

Interpretation of Laws:

Sometimes the law is not clear, either because the law-makers did not foresee the circumstances of the case, or the wording of the statute is ambiguous or because two or more laws applicable to the case is in conflict. In deciding such cases, the judge has some discretion in interpreting the laws and deciding the case in the light of the principles of-justice, equity and commonsense. In this way he not merely applies a law but even makes it. Such decisions become precedents for other judges who have to decide similar cases later on. These precedents become the judge-made laws or case-laws. They play an important role in the legal systems of such countries as Britain, U.S.A., Pakistan, India and other countries which follow the English Common Law. In these countries, the judges may become the creators of new laws and thus supplement the work of the legislature.

Preventive Justice:

In modern times, the judiciary performs not only the function of punishing crimes, and settling disputes, but has also the duty of preventing the violation of rights or threatened infraction of the law. This is called preventive justice. It is performed by issuing writs and restraining orders or injunctions. Failure to obey an injunction or a writ constitutes contempt of court and is punishable by imprisonment or fine.

Judicial Review:

In a federal State, the judiciary has the power to declare the acts or statutes of the central or provincial legislatures or executive orders *ultra vires* or unconstitutional if they are outside their jurisdiction or powers as defined by the constitution. The constitutions of such federal States as the U.S.A., India and Pakistan have conferred the power of judicial review on their high and supreme courts.

Advisory Opinion:

In many countries, the judiciary performs the function of giving advisory opinions on questions of law when requested by the executive or the legislature. This function is usually performed by the High Court or the Supreme Court, as in Pakistan.

Non-judicial Functions:

Almost in all countries, the judiciary is called upon to perform certain miscellaneous functions of non-judicial nature. For instance, the judges may be empowered to grant licences, or act as receivers in bankruptcy cases, guardians of minors and administrators of estates, or to naturalise the aliens, etc.

INDEPENDENCE OF JUDICIARY.

Independence of the judiciary means that the judge should be independent of the other two organs, the legislature and the executive, so as to administer justice with impartiality and according to law. For this purpose it is necessary that the appointment and tenure of the judges should not depend upon the pleasure of the other organs.

Necessity of independent judiciary.

First of all, an independent judiciary is necessary for securing an impartial trial of the accused. It protects the liberty and rights of the citizens. It is the bulwark of individual liberty. Secondly, it has to try State officials for offences committed by them in the course of performing their public duties. An independent judiciary can protect individual liberty and rights from official infringements. Thirdly, the, independence of the judiciary is essential for the protection of the constitution and law against encroachment by the government, or private individuals. This is particularly true of a federal constitution which has to be preserved from the encroachment by the federal or unit governments.

How the independence of judiciary is secured.

The following factors contribute in a large measure towards securing the independence of the judiciary:

1. Mode of Appointment of Judges.

Experience of the past centuries has shown that the independence of the judges is greatly determined by the way they are appointed. Three different methods are used in different countries for the appointment of the judges. They are: (i) election by the people (ii) election by the legislature; and (iii) appointment by the executive.

(i) ***Election by the people:*** In some States, e.g., U.S.A., Switzerland, the judges are elected by the people. This method was first used in Revolutionary France owing to the strong influence of the theory of the separation of powers in that country. This method is, however, very defective. It corrupts the fountain of justice at its very source. The elected judges are necessarily under the influence of the voters and the parties which have elected .them. They cannot be impartial, honest, dignified and independent. Their judgments are prejudiced. An elected judge is a partisan and partisan judge cannot defend the rights and liberties of the individuals. "The desire to court popularity is a temptation few will be able to resist when their re-election is dependent on their popularity." In short, the elected judges are more of politicians than judges.

(ii) ***Election by the Legislature:*** This method is no better than the method of popular election. For, says Laski, "If the choice is to be made on grounds of legal fitness, the average member of legislature has no special qualification for judging, and he is therefore likely to be swayed by political considerations irrelevant to the problem." The legislature tends to elect politicians to judicial offices rather than judges. A legislature is an arena of party politics and the judges are elected on party grounds. "Such party election encourages a type of judge who is far removed from the ideal of fairness and reasonableness which judicial decision demands."

(iii) ***Appointment by the Executive:*** Appointment or nomination of the judges by the executive, that is, by the minister in charge of the judicial department, is considered as the best available method and is applied in many countries. It is claimed that the executive is the most appropriate agency to judge the capacity and qualifications of the candidates to a judicial post. Experience has also shown that this method is greatly free from party bias in the choice of the judges. Yet it is not free from all defects. "Simple nomination" says Laski, "as in England by the Lord Chancellor, is not, I think, an adequate system. It leaves the door too wide open for measurement of fitness in terms of political eminence rather than judicial quality." However, the method of appointment can be improved by certain safeguards. Laski suggests that the appointment by the Minister of Justice should be made with the consent of a standing committee of the judges, which would represent all sides of their work. The judges know well the nature of their work and can judge better the qualities of the candidates, while they are not likely to be influenced by party considerations. This is the method used in the appointment of judges of the High and Supreme Courts in Pakistan. Another improvement in this method is selection by competitive examination. The minister appoints only such candidates as have been successful in it. The examination method is now applied in many countries, including Pakistan, for recruiting subordinate judges.

2. Long Tenure of Office.

Judges are appointed either for a short term or a long term of office. Experience has shown that a short tenure is unwise and defective. It destroys the independence of the judge, inclines him towards corrupt ways, as bribery, so as to enrich himself during his short term of office. It makes him more subservient to the executive which appointed him. Such a judge will do no justice. A long tenure frees the judge from such temptations. It makes him free and independent. In modern times, judges are, therefore, appointed for long terms or lifelong tenures. They hold office during good behaviour. "Once appointed," writes Laski, "a judge should obviously hold office during good behaviour; otherwise he cannot acquire that habit of independence inherent in his position." A long tenure is, obviously, a lifelong tenure. Hence the age of retirement of a judge is usually fixed at 60 to 65 years, as in Pakistan and even longer, as in *U.K.* and U.S.A.

3. Promotion and security of office.

The principle of the independence of the judiciary further requires that a judge, once appointed, should feel secure in his office as regards its tenure and promotion. In the judicial department, however, promotion cannot go by seniority alone, because inefficient judges would then be promoted to important positions. Nevertheless, an able judge should feel that his chances of promotion will not be dimmed by a clever colleague who knows how to pull political wires at the right time and place. Hence neither the promotion, nor the removal of the judges should depend upon the pleasure of the executive. They must be decided by the principle of good behaviour. Then only able and efficient judges will be promoted and corrupt and inefficient ones removed from office. Good behaviour should be judged by an impartial body, like the legislature. This method is followed in England, Pakistan, India, etc. In England, a judge is dismissed from office only when the two Houses of Parliament by a joint address request the Queen to remove him on grounds of corruption or moral turpitude.

4. Fixed and adequate salary.

Another condition which makes for freedom and independence of the judiciary is an adequate and fixed salary, which makes a judge feel secure, independent and fearless in the performance of his duties. A low-paid judge is inclined to be corrupt: he endeavours to supplement his meagre salary with bribery. Such a judge will not dispense justice. The salary should be adequate to befit the social position of the judge. Finally, the constitution of the State should provide that the salaries of the judges should not be alterable during their term of office.

5. Qualifications of Judges.

The administration of justice presupposes an adequate knowledge of law. Law is a technical subject. Only such persons who have studied it carefully can properly understand its technicalities. The judges, therefore, must be professional experts who can determine legal rights and duties in particular cases with knowledge and skill. Hence only men of legal and forensic qualifications should be appointed as judges. A judge, however, must possess not only the qualities of head but also of heart. He must be a man reputed for his impartiality and independent views. He must be honest and profoundly learned in law. In early Islam, the moral and intellectual qualities of a man were essential prerequisites for a judicial appointment. In present times, the qualified judges are sometimes chosen from among the practising lawyers and advocates.

6. Separation of the Judiciary.

One of the merits of the theory of separation of powers is that it emphasises the separation of the judiciary from the other two organs of the State, especially from the executive. The same person should not be a judge as well as a prosecutor. If so, there will be a miscarriage of justice. The prosecutor being also the judge will necessarily punish the accused. This has been the experience of the British rule in Indo-Pakistan subcontinent, where the Deputy Commissioners act both as judicial and executive officers.

ORGANISATION OF THE JUDICIARY

Hierarchical Organisation of the Courts.

One feature is common in the organisation of the judicial systems all over the modern world: the courts are arranged in an ascending or hierarchical order of the lower and superior courts, determined by their sphere of powers or jurisdiction. Broadly speaking, at the bottom lie the courts of first instance with very restricted jurisdiction or power of decision. Above them are the intermediate courts of appeal with greater powers of decision and jurisdiction. At the top are the high or supreme courts of review or cassation with powers to hear appeals from all subordinate courts and also special jurisdiction in certain matters, such as the constitutional disputes in the federal States. The power of review or cassation means the power to annul the decision of a subordinate court or tribunal. The three types of courts are, however, differently designated. Here below is a sketch of the judicial organisation in some countries of the world:

Grade of Courts	Pakistan & Bharat	England	U.S.A.	France
High Courts of Review	Supreme Court: High Courts	Supreme Court of Judicature	Supreme Court	Court of Cassation
Intermediate Appellate Courts	District Sessions Courts	Country Courts & Quarter Sessions	Circuit Courts of Appeal	Courts of Departments
Lower Courts of First Instance	Courts of Sub-judges and Magistrates	Courts of Petty Sessions: Justices of Peace	District Courts	Justices of Peace

Criminal and Civil Courts.

In most modern States, separate courts are set up for criminal and civil cases, especially at the lower levels. For instance, in Pakistan, England and U.S.A. there are civil and criminal courts of original and intermediate appellate jurisdiction. But in all States, the final or high courts have jurisdiction in both civil and criminal cases. Civil cases deal with the breach of rights of private citizens. Criminal cases mean those which arise from the breach of peace, violence to life, limb or property and violation of laws of the State by a person or persons.

Special Courts.

A distinction is made between regular or ordinary courts and special or extraordinary courts. Every State establishes special courts for special matters. For instance, there are revenue courts in Pakistan and India, for revenue cases. In industrial matters, industrial courts are set up for the settlement of industrial disputes. Military courts or Courts-martial exist to apply military law to military personnel. Election tribunals are set up to settle election disputes. In the category of special courts we may also include the administrative courts, commercial courts, courts of refugee claims and settlement, conciliation courts, probate courts, customs courts, courts of impeachment, consular courts, juvenile courts, etc.

Federal Courts.

In certain federal States like the U.S.A. separate federal and State courts are established for federal and State laws. The federal courts have jurisdiction over the whole country, while the State courts have jurisdiction within the component State's boundaries. But this is a useless multiplication of courts, with consequent disharmony and conflict of jurisdiction. That is the reason why in recently established federal States, like Pakistan, India, etc., there is a single judicial organisation for the whole country enforcing both federal and provincial or State laws, with the Supreme Court at the apex of the judicial set-up.

Single Judge vs. Several Judges.

In England, Pakistan, India and other countries under British influence, lower courts of original and appellate jurisdiction are presided by a single judge or magistrate, while in France and other European countries, all courts, except the lowest courts of the Justices of Peace, are presided by a bench of several judges. In France, for instance, the number of judges in the courts varies from three to as many as fifteen. Much is claimed by the defenders of each system. As regards the French system, it is claimed that the plurality of judges affords a safeguard against arbitrariness of a single judge and that it enables the court in criminal cases to resist more effectively the influence of the public prosecutor. Moreover, the French believe that a single judge cannot be just; -- *juge unique, juge inique*, as the French put it. Lastly, as there are no separate civil and criminal courts in France, the plurality of judges in a court enables it to handle civil and criminal cases by a division of work among several judges. But there is one defect in the French system. As each court has several judges there are too many judges in the country. The multiplicity of judges places an excessive burden on national exchequer, with the consequence that the judges are paid lesser salaries than in the single judge system.

JUDICIAL REVIEW

Its Meanings.

In the federal States, the judiciary has the power to declare a legislative Statute as *ultra vines* and unconstitutional and therefore null and void when it is contrary to the provisions of the constitution. This is called the power of judicial review and control on the legislation. In some federal States this power of the courts extends to the laws of the federal legislature as well as to those of the component States or provinces, as in the U.S.A., Pakistan and India. But in other States, it is confined to the laws made by the legislatures of the component units, as in Switzerland, where the federal laws are not subject to judicial review.

Federalism and the Doctrine of Judicial Review.

In a federal State, the constitution clearly marks out and defines the spheres of powers of the federal and component governments. If the federal structure is to be preserved, neither the federal government nor any of the governments of the component units should encroach upon the sphere of powers of the other, by making laws which violate the provisions of the constitution or infringe upon the powers of the other. Hence an impartial body should be entrusted with the duty of declaring such laws unconstitutional, and *ultra vines* if they conflict with the constitution, which is the fundamental law of the State and embodies the will of the people.

This body is the judiciary. The courts have the power to review the laws and decide about their constitutional validity. Otherwise the constitution will be so frequently modified by these laws that it will lose its federal character. Thus the courts have become the protectors or guardians of the constitution in the federal State. In a unitary State, in which the parliament is supreme and sovereign, the courts cannot assume this power.

The doctrine of judicial review originated in the U.S.A. The American judge, Marshall, first enunciated it in the famous case: *Marbury vs. Madison* in 1803. In this case Chief Justice Marshall analyzed the reasons why the U.S. Supreme Court should exercise the power of judicial review. He said that "the powers of the legislature are defined and limited; and that these limits may not be mistaken or forgotten, the constitution is written. It is emphatically the province and duty of the judicial department to say what the law is. So if a law be in opposition to the constitution the courts must determine which of these conflicting rules govern the case. This is the very essence of judicial duty. If, then, the courts are to regard the constitution, and the constitution is superior to any ordinary act of the legislature, the constitution and not such ordinary act must govern the case to which they both apply." The power of judicial review does not mean that the judiciary is superior to the legislature. It acts only as a protector of the constitution and enforces the will of the people as embodied in it. The Supreme Court of the U.S.A. has declared nearly a hundred federal laws and a thousand State laws null and void since 1803, when the first federal law was declared invalid and unconstitutional by Chief Justice Marshall in the case of *Marbury vs. Madison.*

Arguments for the Judicial Review and Control.

Several advantages of the judicial review and control of legislation are pointed out. (i) It is a necessary power of the judiciary in the federal constitutions of which the courts act as guardians and protectors. The constitution defines and distributes governmental powers between the Centre and the component Units. The courts, by judicial review of their laws, make them remain within their own respective spheres of powers, by maintaining a distinction between constitutional and ordinary laws. "If the legislature," writes Gettel, "determines the scope of its own power, and the courts have no right to set aside such of its acts as violate constitutional limitations, the constitution becomes a mere scrap of paper, of no binding power." (ii) Moreover, the right of judicial review also enables the courts to protect the bill of rights or fundamental rights of the citizens, (iii) Furthermore, it enables a rigid constitution to be modified and extended by judicial interpretation.

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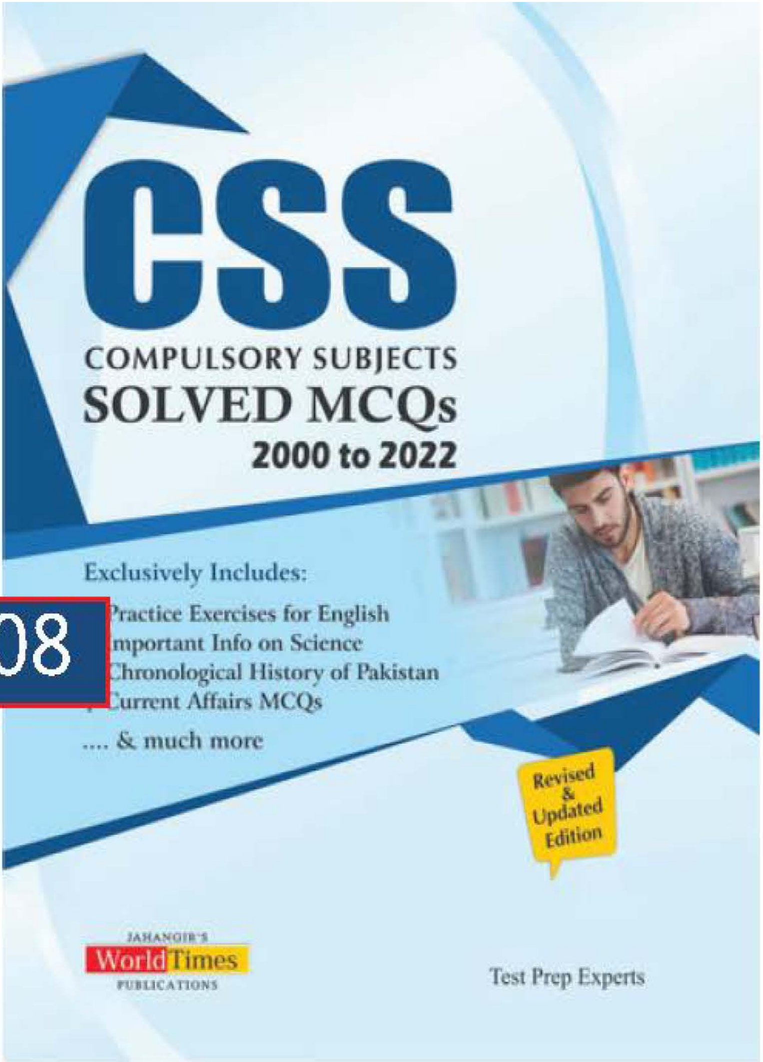
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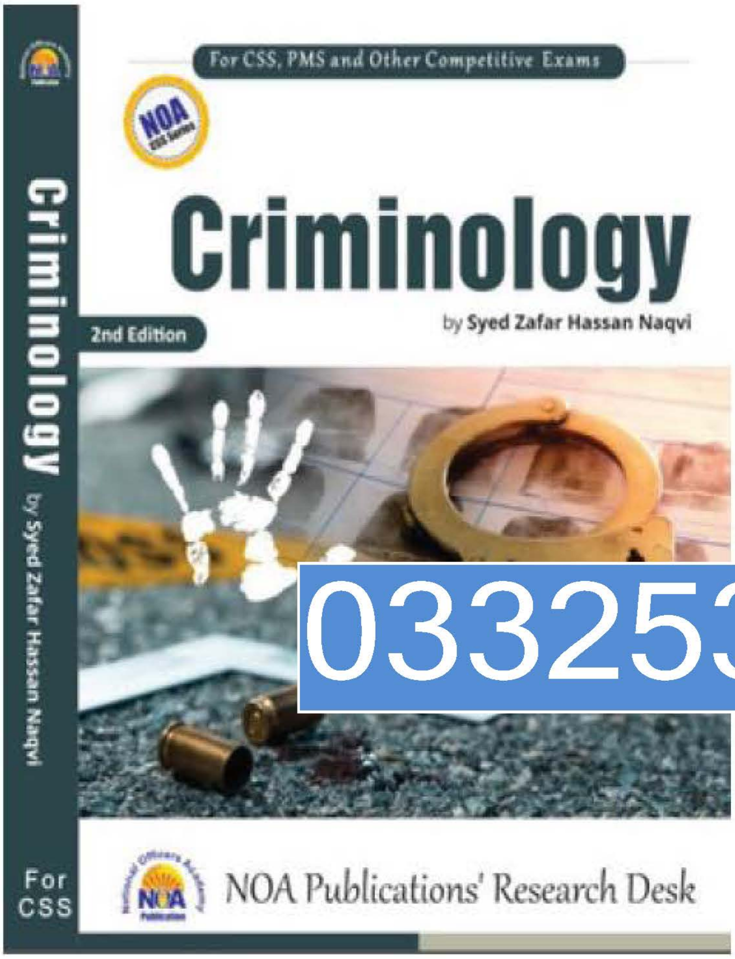
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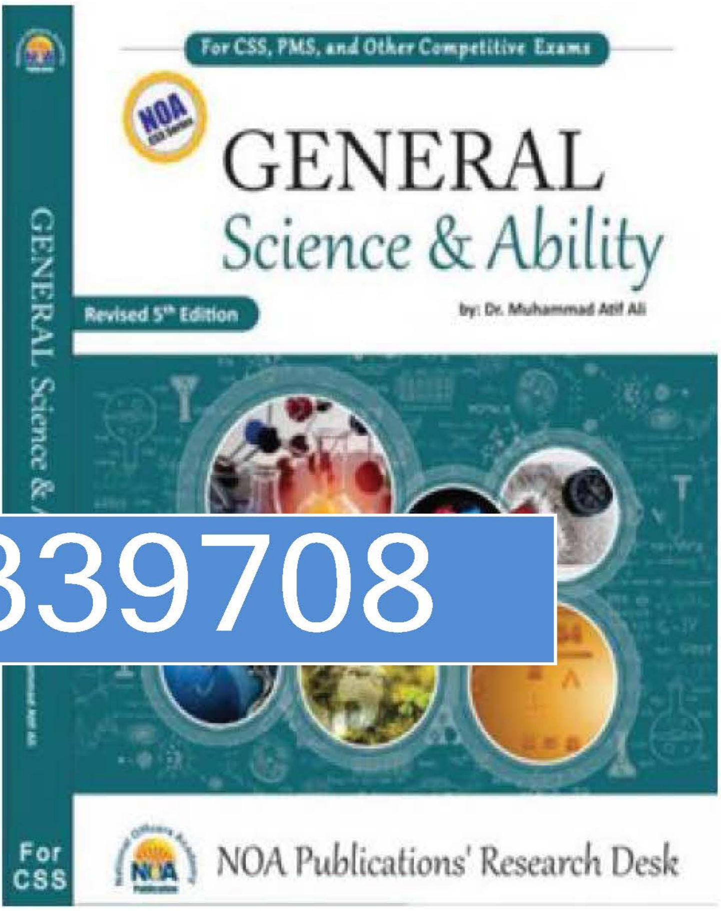
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Arguments against Judicial Review.

The doctrine of judicial review is severely attacked and criticised even in America where it was first enunciated and applied. Firstly, it violates the principle of the separation of powers as it enables the courts to sit in judgment over the powers of the legislature. It makes the judiciary supreme over all other organs of the State. Secondly, it enables the judiciary to veto and nullify the laws of Federal and of component States or provinces. Thirdly, the supremacy of the judiciary violates the principle of the sovereignty of the legislature which represents the people and expresses their will in its enactments. As against the elected representatives of the nation a small minority of judges veto the laws and strike down policies which they do not approve. Now the judges are by training and profession a conservative people who are generally worshippers of wealth and votaries of vested interests. They are opposed to new ideas and programmes. Hence they refuse to accept laws which embody new ideas and programmes. They read their own doctrines into the constitution and interpret it in out-dated terms. Critics have pointed out that the American Supreme Court, by declaring unconstitutional many new laws, has applied 18th century theories of economics and social policy to new and changed conditions of the 20th century. It has shown a greater regard for the rights of property than for human rights. "History has demonstrated that when the Supreme Court held the Missouri Compromise unconstitutional, when it found the income tax void, and when it struck down major portions of the New Deal, it was acting in a political sphere, and even the prestige of the judicial process could not save it from political attacks." Finally, the judges both because of their legal training and their independent status are not sufficiently aware of public opinion. They interpret the constitution with out-of-date ideas and lag behind the legislature and the executive. They are not influenced by new social standards and therefore fail to modify the constitution accordingly. However, since 1960, the judges of the U.S. Supreme Court have greatly changed their attitudes. They have upheld civil liberties and the policy of Negro integration in the cases brought before them.

JUDICIARY AND INDIVIDUAL LIBERTY

Liberty is a precious possession of every individual. It needs to be protected, so as to be enjoyed by him. There are several methods of doing so. One of the most important of them is the judiciary. As we have said above, the courts are entrusted with the important task of defining and defending the rights and liberty of the individual. But the question is: How?

In most cases, the rights and liberty of the individual are threatened by his fellow-citizens or by the officials of the State. In the past ages, a rich or an influential person could deny others of their rights and liberty with impunity, because the State was then weak and the courts lacked power to enforce their decisions against powerful individuals. But it is now a thing of the past. The State now maintains a strong administration and its courts are now strong enough to punish even the most powerful individual, if he violates law and encroaches upon the rights and liberty of his fellow-citizens. It was called the "King's peace", in English constitutional history. So the first danger to individual liberty is now no longer a political question: it is only a legal matter.

Another source of danger to individual liberty and rights are the government officials from the minister down to a police constable and the like, it may occur in the following ways:

(i) The government may be acting in the higher interest of public good or national welfare. The common good of the people may necessitate a disregard of individual liberty or right, because the rights of the State are superior to the rights and liberty of the individual. In this case, the plea of the State is based on the old Latin adage, *Salus populi suprema lex*, i.e., the welfare of the people is the supreme law. This is the plea on which dictatorships, authoritarianisms and various kinds of absolutisms and autocracies arise and on which various kinds of restrictions on individual liberty are imposed even in democracies.

(ii) More frequently, it is the officials of the State who deny or destroy the rights and liberty of the individual either by their arbitrary action or by exceeding the limits of their official duties and authority. Such official breaches of individual liberty may be due to their *bona fide* zeal in performing their official functions or due to their neglect of duty or due to their exercise of discretionary powers in arbitrary manner. For instance, a traffic policeman, an income tax officer, a customs official or a factory inspector may either act in good faith or deliberately exceed his authority and thereby injure the rights, interests and liberty of a citizen. As Justice Brennen says 'Today, as rarely before, case after case comes to the court which finds the individual battling to vindicate a claim under the Bill of Rights against the powers of government, federal and State,." Hence the question is: How can the courts defend in such cases the rights and freedoms of the individuals? This question has been solved in two different ways, viz., the Rule of Law, as in Great Britain, Pakistan, etc, and the Administrative Law, as in France. In the Rule of Law, the ordinary courts are entrusted with the task of defending individual rights and liberty against all breaches by the officials or by private citizens. But under the Administrative Law, the official breaches of individual liberty and rights are adjudged by a special kind of courts, called the administrative courts and under a special kind of laws called the administrative laws. We shall now deal with the two judicial systems separately.

THE RULE OF LAW

Meaning of the Rule of Law.

The Rule of Law is the basic principle of the English Constitution. It means that ordinary law is everywhere supreme in England and that every person is subject to the ordinary law-courts, whether he is an officer of the State or a private citizen.

The problem of the Rule of Law arises thus: Should the government act according to law or not? An ancient principle, illustrated by the Latin tag SALUS POPULI SUPREMA LEX, is that the welfare of the people is the supreme law for the Government. It can, therefore, act according to its own idea of public good regardless of the legality of its act, even though it may be arbitrary and may limit or destroy the rights and liberty of the citizens. The Rule of Law rejects this principle. The government has power only to carry out the law and not to do whatever it thinks fit. In British Constitution, the government has no arbitrary powers. Each one of its acts must be authorised by law, passed either by the Parliament or is a part of the Common Law of England. The officials of the State, acting in the name of the government, are answerable to the ordinary law-courts for their acts, for anything done in excess of law or without its sanction. In this way the Rule of law protects the life, liberty and rights of the individuals against the encroachments by the government.

Dicey's analysis of the "Rule of Law".

The English jurist, A.V. Dicey, has given a classical analysis of the "Rule of Law" in his book, *The Law of the Constitution,* written in 1885. According to him, the Rule of Law means three things:

1. Supremacy of Law.

Arbitrary Punishment is illegal. The Rule of Law writes Dicey, "Means, in the first place, the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness of prerogative, or even of wide discretionary authority on the part of the government. Englishmen are ruled by the law, and by the law alone; a man may, with us, be punished for a breach of the law, but, he can be punished for nothing else." Law is supreme over both the citizens and the government. Its supremacy protects the life, liberty and rights of the individuals. No person can be punished by the government except when he has violated a law and his guilt is proved before a duly-constituted court of law. Trial must be held in an open court with free access to the public. The accused person has the right of being represented and defended by a counsel of his own choice. In all serious criminal cases he should be tried by a jury. Judgment is pronounced in an open court with a right of appeal to a high court. The possession of these rights by the citizens reduces to a minimum the possibility of arbitrariness and oppression by a government officer, high or low.

2. Equality before the law.

Rule of Law means, again, equality before the law, or the equal subjection of all classes of persons to the ordinary law of the land, administered by the ordinary law-courts. It means that everyone is subject to the ordinary law of the realm and can have his rights determined in the ordinary courts.

Two implications.

The principle of equality before law has two implications. Firstly, all men, whether officials of the State or private citizens, are equal before the ordinary law of the land; and secondly, there is one kind of law for all. In other words, it is equality both of law and of persons. From the principle of equality before law and its implications follow two conclusions, viz., jurisdiction of ordinary courts, and ministerial responsibility before them for all their official acts. The principle of equality before law implies that "no man is above the law" but is subject to the ordinary law of the realm and answerable to the jurisdiction of the ordinary courts. In this way liberty of the individual is safeguarded against the tyranny and irresponsibility of the executive. Obviously, the principle of equality implies also the ministerial responsibility before the ordinary courts. Like other public officials, the ministers can also be prosecuted or sued before the ordinary courts for unlawful acts of State. "With us", elaborated Dicey, "official, from the prime minister down to a constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen."

'The (Law) Reports abound with cases in which officials have been brought before the courts, and made, in their personal capacity, liable to punishment, or to the payment of damages for acts done in their official character, but in excess of their lawful authority." In the celebrated John Wilkes case in 1763-65 the court awarded damages to him against Lord Halifax, the Secretary of State, and Wood, the Under-secretary, for arresting him under a general warrant, which the court declared to be illegal."

3. Ordinary law guarantees individual rights and liberty.

Lastly, "the Rule of Law" writes Dicey "may be used as a formula for expressing the fact that with us the law of the constitution means the rules, which in foreign countries naturally form part of the constitutional code, are not the sources but the consequences of the rights of individuals as defined and enforced by the courts." In England, the rights of private citizens are derived from the Common Law, but they become so only when the courts decide particular cases brought before them by the citizens. For instance, the freedom from arrest by a general warrant was inherent in the

Common Law, but it became a right of the citizens when the courts declared the general warrant illegal in the John Wilkes case. In other countries, individual rights are embodied in the constitution as "bill of rights" or "fundamental rights".

Briefly, the Rule of Law requires that every act of the government and of its servants must conform to law and that a dispute between the government and citizens must be settled according to the law and by a judicial decision of an ordinary court of law. Thus the powers and actions of the government are to be within the law and judicial decision. The only exception to this rule is the legislative action of Parliament. So, a recent authority, W.I. Jennings, defines the Rule of Law thus: "It is an attitude, an expression of liberal and democratic principles, in them vague when it is sought to analyse them, but clear enough in their results. It is clear, however, that it involves the notion that all governmental powers, save those of the representative legislature, shall be distributed and determined by reasonably precise laws." The Rule of Law is particularly useful for private citizens in two kinds of State-actions, viz., the punishment of crimes and torts or civil wrongs by public officers.

Limitations on the Rule of Law.

In present times, however, the Rule of Law is subject to serious limitations. They are as below:

1. *Growth of Delegated Legislation.*

Increasing volume and pressure of legislative work has made it difficult for the parliament to discuss the details of many bills, which contain technical clauses. Moreover, these clauses cannot be exhaustive but have to be of general nature so that they may be modified to 'meet changing situations. Therefore, parliaments now pass skeleton laws the details of which are filled by the regulations and orders of the appropriate government departments. These departmental regulations and orders have the same force of law as the original legislation and are, therefore, immune from criticism by the courts. This principle was established as early as 1909, when, in a case in which the Board of Agriculture authorised the compulsory sale of a farm. Justice Darling declared the Board to be "no more impeachable than Parliament itself." However, the growth of delegated legislation and particularly its interfering character have made great inroads into individual liberty. Bacon observed that there is no worse torture than the torture of laws. The law-courts cannot come to the aid of such individuals, for the application of the Rule of Law is limited in this respect.

2. *Growth of Administrative Jurisdiction.*

The growth of administrative justice is a still more serious limitation on the Rule of Law. It is now a practice to authorise administrative officials by statutes to decide disputes between their departments and private citizens, especially with regard to such governmental activities as education, public health, town-planning, the protection of the unemployed, etc. Parliament by an act bestows judicial powers on the ministers or the departments to decide questions of rights and interests of the private citizens, and their decisions are final, because there is no appeal to ordinary courts. For instance, the Minister of Health has under the Road Act of 1920 the power to decide appeals from the refusal of licences to run omnibuses. The National Insurance Act of 1911 established the National Health Tribunals which exercise judicial powers. They have thus become a sort of administrative courts and their decisions are a kind of administrative law. Similarly, the Supreme Court of the U.S.A. has declared that "the decisions of the Secretary of Labour in all immigration cases are final." Under the Rule of Law, these judicial functions and powers should have been performed by an ordinary court, but they are now entrusted to administrative bodies and officials. Thus the growth of administrative jurisdiction in England and U.S.A has modified to a great extent the Rule of Law.

3. *Special Immunities of certain Public Officials.*

The Rule of Law is not enforced against all public officials without exception, as Dicey once believed. There are now certain classes of officers who enjoy special immunity from the consequences of their acts at Common Law. Firstly, the rulers and diplomatic representatives of foreign States in England are exempted from legal processes in the courts. The diplomatic immunity, however, is necessary for international intercourse and relations. Secondly, public officers and authorities enjoy certain privileges and impunities under the Public Authorities Protection Act of 1893, as amended by section 12 of the Limitation Act of 1939, which "imposes a severe time-limit upon actions against public authorities and their officers in respect of acts or omissions in the course of official duty." Thirdly, the head of a government is not responsible for the act of his subordinates, although as a head of a private institution he would have been so responsible. Fourthly, the Trade Disputes Act of 1906 prohibits action against a trade union in respect of a tort. Fifthly, the Customs Consolidation Act of 1876, the Lunacy Act of 1890 and the Criminal Justice Act of 1925 protect certain classes of officials from being sued in ordinary courts. Similar immunity is enjoyed by certain public officers, such as the Judges, the Justices of Peace, Customs and Excise Officers. Lastly, there are even instances when immunity is granted on the ground of internal political expediency,—an exception which is of the most serious implication so far as the liberty of the citizens is concerned.

Conclusion.

Owing to the growth of social legislation, administrative justice, and the enjoyment of privileges and immunities by public officers, the Rule of Law has come to be limited and modified even in Great Britain, the land of its origin. It is no longer so exceptionalness and pure as Dicey thought. Nevertheless, the spirit and purpose of the Rule of Law, which requires that all official acts and governmental activities must be in conformity with the laws, is still at work in England. The limitations and immunities mentioned above are not meant to justify arbitrary behaviour on the official part, but to promote interests of public welfare and prosperity of the nation as a whole. British officials retain a respect for the traditions of the Rule of Law in which they have been bred. Their object is usually to avoid, not parliamentary control but parliamentary delays; not the authority of the law, but the obstructiveness vires of wealthy litigants."[51] Finally, administrative action can be questioned in a court of law, if the officers of an administrative body act *ultra vires,* for they must do only those things which law authorizes. The citizen has the right to appeal to an independent court to compel the officials to act according to law and not to exceed their statutory powers.

"DROIT ADMINISTRATIF" OR ADMINISTRATIVE LAW

The French term *'Droit Administratif'* has two meanings. Firstly, it means that part of the public law which deals with the organisation of the State; and secondly, it means the law which deals with the relations of the administrative authorities with the private citizens. It is in the second sense that it is used here and in which its English equivalent "Administrative Law" is understood.

Its meanings.

Dicey has defined Administrative Law as "that body of rules which regulate the relations of the Administration or the administrative authority towards private citizens in their dealings with these officials as representatives of the State, and the procedure by which these rights and liabilities are enforced." The Administrative Law is, therefore, that part of the French Law which regulates the relations of public officers and private citizens and determines:

(i) The position and liabilities of all public officers;
(ii) The rights and liabilities of private citizens in their dealings with public officers as representatives of the State; and
(iii) The procedure by which these rights and liabilities are enforced.

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[51] Derry K., *British Institution Today* (1948). p. 83.

The disputes between the private citizens and public officers arise when the latter exercise their official authority in such a way as to violate the law or exceed the powers vested in them by law or do a wrong to a private citizen by acting arbitrarily. These disputes, however, will not go before an ordinary court and tried under the ordinary law of the land, as they would be under the Rule of Law, but before a special court, called the administrative court, consisting of superior administrative officers and under special laws, called the administrative law. The administrative courts, as Gettel says, "apply a special form of law and procedure, basing the decisions mainly on administrative ordinances, and taking into consideration political expediency and general considerations of justice." The French writer, Poincre, gives two illustrations of such disputes as, for example, when a person is asked by a tax officer to pay an unjustifiable increase in his income-tax, or when a railway company builds a railway line in front of a man's house in such a way that it loses greater part of its value as a place of residence. These are the administrative actions which are to be settled by administrative courts under administrative law. These courts exist parallel to the ordinary courts, dealing with administrative cases while the latter deciding disputes between private citizens only.

Origin and Organisation of the Administrative Law and Courts.

According to Dicey, the system of administrative law is based on two principles. Firstly, the government and its servants, as representatives of the nation, have special rights, privileges and powers as against the private citizens, and are to be judged differently from the legal rights of private citizens towards each other. Secondly, theory of separation of powers and the considerations of administrative efficiency require that the judiciary should not interfere in administrative matters of the executive organ. These were the considerations which led to the development of the administrative courts and administrative law in France after the French Revolution of 1789. "The feeling was that if the judges were allowed to decide controversies arising between the State and its administrative authorities, on the one hand, and private individuals, on the other, it would result in judicial interference in the operations of the government and impair the efficiency of the administration." Accordingly, the Act of 1790 laid down that the judicial and administrative functions should be separated and the jurisdiction of the judicial courts should be confined to the decision of the cases of private citizens only, arising under the civil or criminal law. .

The highest administrative court in France is the Council of State in Paris. There are a number of Regional Councils in the Departments or districts. The system of administrative law and administrative courts originated in France, but has now been adopted by several other European countries, like Germany, etc, and by Japan. In Germany, however, there are special tribunals for each of several types of cases: railways, social insurance, etc.

Arguments against Administrative Law and Courts.

The English Jurist, Dicey, has severely criticised the whole system of administrative courts and law. The following defects and disadvantages are pointed out in the French system:

1. ***Dicey said that the most despotic characteristic of the administrative law lies in its tendency to protect officials.*** As the administrative courts consist of administrative officials, they are naturally inclined to favour their brother-officials either because of public policy or natural sympathy. Hence justice is not available to private citizens and their liberty is jeopardised by this system.

2. ***The judges of the administrative courts are not independent.*** They are public servants, and are in effect "chartered libertines", as Dicey called them. Hence they decide the cases as the government wants them to. They are under official pressure to do so. Justice, therefore, cannot be obtained in administrative courts if the policy of the government demands a certain decision.

3. ***The real basis of prejudice against this system in England and U.S.A. is its opposition to the Rule of Law.*** The system of Administrative Law denies the principle of equality of officials and citizens before the law. On the contrary, it upholds the principle of inequality of the privileged class of officials and the unprivileged citizens who are to be tried in different courts and under different laws. Thus the existence of the Administrative Law denies the universality of law and is, therefore, undemocratic. There are separate courts and separate laws for officials and private citizens. This is undemocratic.

4. ***The judges of the administrative courts cannot be impartial,*** for they hold office during the good pleasure of the executive and can be removed by it at pleasure. This violates the principle of separation of the judiciary from the executive and destroys the independence and impartiality of the judges.

5. ***Another objection to the system of the Administrative Courts is that the same body is both prosecutor and judge,*** and, therefore, these courts cannot protect the liberty of the individual.

6. ***Lastly, it is said that the Administrative Law is indefinite and vague,*** because it is based on customs and precedents rather than statutes.

Arguments for the Administrative Law and Courts.

The actual working of the French and other European administrative courts has disproved Dicey's criticism of the Administrative Law and refuted the charges against Administrative Courts as wide of the mark. Some of the merits of this system are as follows:

1. ***This system promotes efficiency in the administration*** because it frees the administrative authorities from the jurisdiction and control of the judiciary. This is due to the reason that the judges of the administrative courts, possessing experience of the administrative service, can properly understand the circumstances under which the public servants have to act in a particular matter. Their judgments are bound to be expert decisions, while the judgments of the judges of the ordinary courts are those of laymen, and may be wrong judgments, for these judges have no experience of the administrative services. They are chosen for their legal proficiency, not for administrative experience.

2. French experience has shown that the system of administrative courts and administrative law does not threaten individual liberty. On the contrary, *French people consider them as a cornerstone of their liberty*. The French Council of State, the highest administrative court, has earned the respect and admiration of the Frenchmen for its impartiality. In actual working, the administrative courts are not biased in favour of public servants or against private citizens. The French jurist, Duguit, has rightly affirmed that the Council of State affords the individual "almost perfect protection against arbitrary administrative action."

3. ***One of the chief merits of the system of administrative courts is that they dispense justice in an easy, inexpensive and speedy manner.*** Access to the Council of State is more simple and less expensive than in the case of the ordinary courts, while the decisions of the administrative courts are based on the considerations of equity. The procedure is simple and the decisions are speedy. Above all, when they are convinced, the administrative courts give effective remedy to the injuries suffered by private citizens due to administrative acts. They award damages to them against the State which are fully realised because the State can easily pay them. This is not possible under the system of the Rule of Law, where the public officials are prosecuted in their personal capacity. Even if damages are awarded against them they may be incapable of paying them, while the State bears no responsibility to compensate the injured citizen. Hence there is no real redress under the Rule of Law. An American writer, W.L. Godshall, pointed out that the American citizens suffer from police tyranny as they have no protection from governmental abuses. "When American citizens," he writes, "suffer abusive language or actual physical injury at the hands of" police officers, they have but little redress as is well known by all who have been harangued by traffic police. It is legally possible, of course, to bring suit against a traffic officer for slander, false arrest, or assault and battery; but in such cases our courts are reluctant both to impair the morale of police force and to award damages. Similar suits brought, for example, by French citizens usually result in material as well as moral satisfaction for them in which instance government squarely faces its

responsibility for its acts and makes reparation as a regular feature of administrative law." This merit made Garner to remark that there is no other country in which the rights of private individuals are so well protected against administrative abuses and the people so sure of receiving reparation for injuries sustained from such abuses as in France.

4. ***Dicey's criticism that the Administrative Law is based on the principle of inequality of officials and citizens is not very sound.*** Even under the Rule of Law the officials and private citizens cannot be treated as equal, for the former must necessarily enjoy certain privileges and immunities due to the nature of their work. The Administrative Law frankly recognises this difference and imposes liabilities on the public officials, while the Rule of Law glosses over the difference and prevents their responsibility for the injuries inflicted by the over-zeal or negligent behaviour or arbitrary performance of duties by the officials. Even in England and America the principle that the State is not legally liable to damages for the wrongful acts of its agents, i.e., its officials, is now renounced.

5. Dicey made yet another mistake in properly understanding the jurisdiction of the administrative courts. It does not extend to all breaches of official duties and docs not cover the entire field of relations between the officers of the State and private citizens. Ordinary courts have jurisdiction in matters of expropriation, the exercise of the right of *eminent domain* and to some extent in commercial contracts between the governmental departments and private citizens or companies. Moreover, the arrests made by the administration are under the control of the ordinary courts which alone can inflict punishment. Furthermore, the ordinary courts possess the right of passing judgments upon the legality of regulations and ordinances issued by the executive authorities. Lastly, a clear distinction is made between "a fault of service" and a "personal fault" of the public servants.

6. The Administrative Laws is not codified but mostly consists of precedents. It is primarily a case-law and, therefore, possesses the merit of elasticity and can be adjusted to changing circumstances. If it were based on statutes, it would not have covered the wide range of administrative cases.

Conclusion.

In the end, a question may be asked: which system is better the- Rule of Law or the Administrative Law? Americans and Englishmen, conditioned as they are to their system of the Rule of Law, laud it to the skies. But facts clearly show that the Administrative Law is superior to the Rule of Law, so far as the liberty, protection of the rights and interests of the individuals, the speed and efficiency of justice and effective remedy for injuries suffered by private citizens are concerned. Moreover, its superiority is indicated by the growth of a kind of administrative law and administrative courts even in Britain and America. This evolution is but necessary in the modern conditions of a complex industrial society. Indeed, wherever there is administration and law there is administrative law, which is the legal ordering of the relationship between the administrating State and its subjects.

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Conclusion

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PART VI

POLITICAL PARTICIPATION

It is not for them to demonstrate to the world that those who can fairly carry an election can also suppress a rebellion; that ballots are the rightful and peaceful successors of bullets; and that when ballots have fairly and constitutionally decided, there can be no successful appeal back to bullets.

(Abraham Lincoln.)

Those who profess to favour freedom, and yet depreciate agitation, are men who want rain without thunder and lightning. They want the ocean without the roar of its many waters.

(Frederick Douglass.)

The people of England regard itself as free; but it is grossly mistaken; it is free only during the election of members of parliament. As soon as they are elected, slavery overtakes it, and it is nothing. The use it makes of the short moments of liberty it enjoys shows that it deserves to lose them.

(J.J. Rousseau.)

We have to serve the truth as candidates for public office and not mislead, misguide, misdirect the people merely to provoke emotional responses and win votes that way.

(Adlai E. Stevenson.)

Chapter 32

Elections

Election or indirect participation.

Modern States are large country-States with vast territories and great populations. It is physically impossible for the people in such States to assemble at one place for political purposes. They can take part in the business of the State only indirectly, that is, through their representatives whom they elect to make laws and policies and to decide other affaires of the State. Hence modern democracy is an indirect democracy, with representatives elected by the people who have the right to vote, called suffrage. This indirect mode of participation is known as election, which we may define as a form of procedure, laid down by the electoral laws, whereby some members of the public are hosen by the people to hold legislative or executive offices of authority in the State. In short, it is the way the ruled choose their rulers, i.e. their government.

The purposes of elections.

Elections are the means of legitimating the assignment of a person to an office of authority in the State. John Austin once said that electoral procedure is like the procedure in a marriage ceremony: "Do you take this man (or woman) to be your lawfully wedded husband (or wife)?" "I do". So a voter asks the candidate: "Do you accept my demands as your own?" "I do", says the candidate. The point at which a candidate is elected is really not the moment of choice or decision by the voter: it was, in fact, much earlier, for a free voter decided much earlier to vote for a candidate of his preference. Really election is the point at which a voter's preference becomes a public act, -a social and political commitment to the kind of laws or policies he prefers. It is a choice between two views or opinions about laws, policies and decisions of the government.' The qualification for voting is not wisdom or good sense but enough independence of mind to be able to State one's preferences or grievances". This is one side of the electoral process. The other is the authority or power of the government which the elected candidates would exercise, without which the individual preference or grievance would be ineffective. "Unless there is power behind the expression of grievances (of the people), the grievances are apt to be neglected". Thus elections are the connecting links between the demands of the people and the decisions of the government. They are the first stage in the "conversion process" of a political system. But this is true only in a democracy. In a dictatorship, on the contrary, elections can be employed not for the expression of public opinion but for its suppression and for imposing the opinions and decisions of the dictator.

SUFFRAGE

Suffrage or Franchise.

The right to vote is called the suffrage or franchise. It is one of the most important political rights of the citizens in a democratic State, inasmuch as it is the very foundation and essence of the representative democracy. By the exercise of this right the citizens not only elect their representatives but also express their opinion on the policy of the government.

When a citizen exercises his rights to vote, he becomes a *voter* or elector. The actual choice or exercise of the right to vote is called *voting*. The act of voting is called *polling*. When the citizens as a whole exercise their right to vote to elect their representatives, it is called an *election*. All the citizens who at a particular time have the right to vote or franchise are collectively called the *electorate*. The size of the electorate depends upon the law of franchise or representation, which differs from country to country.

Two theories of Franchise.

What is the nature of the franchise? Why should a citizen be given the right to vote? Two general theories answer these questions differently about the nature of the franchise or suffrage as under:

(1) Individualistic Theory of Franchise.

According to this theory, franchise or the right to vote is the natural and inherent right of the individual. This theory was based on three doctrines which were prevalent during the 18th century: the doctrines of natural rights, equality of Man and popular sovereignty or General Will. Carried to its logical conclusion this theory implies universal suffrage. All citizens have the inalienable and sacred right to participate in the formulation of the law. "None can be deprived of this right upon any pretext or in any government." Thus law, as the expression of popular sovereignty, was justified only when all citizens have the right to elect their representatives who make laws, the doctrine of the political equality also required that every citizen should have the right to vote. Law and government affected all, and should be influenced by all: "What toucheth all should be decided by all." In present times, Laski has given another justification for universal suffrage. History has demonstrated; says Laski that those persons or classes who are excluded from a share in political power are also excluded from its benefits and advantages and their interests are neglected when the policy of the State is formulated. Without franchise there could be no freedom. Unrepresented interests are likely to be neglected by the government.

(2) Collectivistic Theory.

The doctrine of natural rights is not acceptable in modern times. It is now said that franchise is not a natural right of the individual. If it is so, then we cannot refuse this right to such persons who cannot obviously exercise it, as, for example, the minors or the wicked. Reason and morality require that they should not be given the right to vote. Hence the right to vote is not attached to the individual by nature but is a privilege, a franchise or a social function, conferred on him by the State for the fulfilment of its aims and ideals. It cannot be granted to all citizens but to those whom the State considers fit for its proper exercise. Hence the Collectivistic theory favours a restricted franchise or suffrage certain sections or classes can be excluded from the right to vote on grounds determined by the law of the State as illiteracy, ignorance, etc. This theory has the support of several modern writers, such as Bluntschli, Lecky, John Stuart Mill and Sir Henry Maine. The Fasciss and Nazis upheld it on ground of racialism and nationalism, while the Communists on grounds of proletarian citizenship.

In practice, however, modern democratic States admit the need for universal adult franchise. Yet they do not go to the extremes of these two theories. The right to vote is now recognised not as a natural right but as a privilege. It is conferred by the State not on all citizens without discrimination but only on those who fulfil certain conditions which, however, differ from country to country. It must be remembered that franchise is at once an individual right and a social function. In this sense it differs from the personal rights of the individual. Hence its exercise must be justified on social grounds and restrictions. The result is as Garner says, that the electorate in every democratic State today "includes a fractional part of the population, varying from three fifths to one-half of the total population." Restrictions on franchise are of various kinds such as age, sex, property, education, mental and moral fitness, etc.

Age Restriction.

Every State requires that an individual acquires the right to vote when he attains a certain age. Minors and young people are not given the right to vote because they are too young and immature to understand the purpose of voting and election. It is undoubtedly a necessary condition. But there is no uniformity as to the age of maturity or adulthood when the individual becomes a voter. It is eighteen years in the U.S.S.R, U.S.A, U.K & other countries, which is the lowest in the world; 21 years in Pakistan, and 25 years in Holland. However, it is better to fix 18 years of age as the age of a voter.

Mental and moral Fitness.

An individual must be mentally and morally fit to be a voter. Every State excludes lunatics, idiots and criminals from electorate, because they do not possess necessary moral and mental qualifications. Those who are convicted of crimes may be temporarily or permanently deprived of this right, because they show lack of civic sense. Sometimes bribery at elections also disqualifies a person permanently.

Sex.

For long past women were not granted the right to vote. Politics was regarded as man's job only. The demand for universal suffrage was understood as a demand for male suffrage exclusively. One reason why women were disfranchised was the view that those persons only could be voters who fought for the State: warriors alone were voters. In early stage the military classes were alone the citizens, while the non-military classes were subjects or slaves, possessing no civic rights. For this reason also women were excluded from the right to vote. It is only in very recent times that they have been enfranchised in almost all the civilized States of the world. For instance, the women in the U.S.A. got the right to vote in 1920, in England in 1929,'after nearly half a century of the agitation by the Suffragettes, or the advocates of women suffrage. Soviet Russia granted franchise to women when it came into being in 1917 after the Russian Revolution. Switzerland enfranchised Swiss women in 1971 after a referendum. In Pakistan, women were enfranchised soon after the Independence. The only country which denies this right to women to-day is Saudi Arabia. Sex restriction, however, is quite unjustifiable.

Argument against Female Franchise.

Several arguments have been advanced against female enfranchisement by some writers and thinkers in the past and present, as follows:

1. Feminine nature is unfit for politics.

The chief argument against female enfranchisement has been that female nature is such which renders women unfit for political life and decision. Politics is man's job; just as maternity is woman's. The Egyptian Ulama of the al-Azhar University of Cairo issued a *Fatwa* in 1952, declaring that women must not be given the right to vote or sit in the legislature because, firstly, their nature is swayed by emotions which makes them "of unstable judgment; secondly, voting will require their presence in public which is unbecoming of womanly behaviour. They must stay at home. Thirdly, female franchise is un-Islamic. But the arguments of the Ulema are fallacious. Women in early Islam participated in political discussions and decisions.

2. **Politics would unsex women.**

It is also said that not only female nature but also womanly functions and role in life require that they should not participate in politics, if they are to preserve their feminine qualities and habits. They earn respect and honour from men only when they are delicate, retiring in habits, and devoted to their domestic duties. If they begin to participate in politics on equal terms with men, they would involve themselves in the mud and mire of political controversies and would be treated as roughly as men treat one another in political disputes and quarrels. Moreover, "the exactions of political life are inconsistent with the duties of child-bearing and the rearing of families. Thus politics would completely unsex women.

3. **It would create discord in family life.**

The opponents of female franchise paint a dark and dismal picture of family discord and quarrels if women are given the right to vote. It is said that if a woman voter agrees with her husband and votes as he wants her, then her vote is useless, for it is mere duplication of his vote. But if she disagrees with him, then peace and happiness of the family would be destroyed for the wife and husband would quarrel over voting.

4. **Women are incapable of bearing arms.**

A citizen must fight for the country or State; women cannot be given civic rights as they can do nothing to defend the State.

Arguments for Female Enfranchisement.

Several writers, e.g., Mill, Hare, Sidewick, etc; have championed women's right to vote. Their arguments are as follows:

1. **Democracy remains an imperfect ideal without female enfranchisement.**

Just as democracy does not differentiate between men on basis of race or blood, so it should not differentiate between men and women on the basis of sex. Politics cannot be a monopoly of men, for law and government affect women, their life and happiness as much as they affect men. The ideals of democracy, such as liberty and equality, are meaningless so long as women are not also free and equal with men in political life and activities. "If", observed Judge Story, "it be said that all men have a natural, equal, and inalienable right to vote because they are born free and equal, these considerations are equally applicable to females, as free, intelligent, moral beings entitled to equal rights and interests and protection and having vital stake in all regulations and laws of society."

2. **Sex is no disqualification.**

The right of voting is a political right of the individual based on moral and rational grounds rather than on physical considerations. It belongs to both men and women. Women cannot be denied franchise on the basis of sex, for it is a physical factor which does not affect polities.

3. The arguments of family quarrels and military incapacity of women refuted.

The argument that the enfranchisement of women would increase family quarrels is quite baseless. On the contrary, it would sharpen the intellects and increase their understanding of the problems confronting their country. It will also increase family harmony, for "it would also be no small thing that the husband would necessarily discuss the matter with his wife and that the vote would not be his exclusive affair but a joint concern." It will also enlarge the horizon of activities of women who are otherwise confined to family circle and domestic duties. The military incapacity of women is also not as great as it is usually thought. Women now serve as soldiers, nurses, etc. Moreover, a lesson which human progress teaches is that mankind develops only by overcoming its natural weaknesses. Even if the women may not like to participate in voting due to their physical disabilities, it is better to afford them an opportunity to do so. "It is a benefit to human beings to take off their fetters, even if they do not desire to walk."

4. Weakness of the female sex necessitates her participation in politics for the sake of better protection.

Citizens are given the right to vote for they have to protect certain rights. Women, being physically weaker, are more dependent on law and government, State and society, for protection of their rights and interests, which men have failed to protect, as past experience has demonstrated. Usually the laws made by men favour them alone. This is partly because men are selfish, and chauvinistic, but mainly because they are unable to understand some of the peculiar needs and problems of women. All laws and policies affect both men and women equally. But there are some which affect women more, such as the laws regarding family life, marriage, maternity, children, etc. Hence women must have a share in the making of all such laws and policies. This is possible only when they have the right to vote and the right to be elected to the legislature. This alone will prevent the adoption of such laws and policies which are hostile to or discriminatory against women's interests and rights.

5. Female enfranchisement will exercise moral influence on political life.

The admission of women into politics would have a purifying, ennobling and refining influence on it. It will tend to improve the tone of public life and will be conducive to better government. It will introduce decency, righteousness and purity in politics. Moreover, State will devote its energy and attention to several activities and services which it has neglected in the past, such as child labour, public health, education, pure food legislation, employment of women for heavy duties in factories and farms and other social services. Women are more interested in social legislation than men.

6. **Good citizenship is as necessary for women as men.** Women are given many civil rights and perform many civil duties. In present times, women are to compete with men in several walks of life. It is, therefore, inconsistent and irrational that they should be denied political right of franchise. When they enjoy other rights, perform civil duties and have to struggle for existence on equal footing with men. Divorced women, widows, and unmarried women are often the bread-winners of their families. Many women earn their livelihood as teachers, nurses, office-workers, and as labourers on farms and factories. If they can do all such jobs, why should they not be given all opportunities for good citizenship? Women must, therefore, have the right to vote and participate in political discussions. Their civic sense is as sharp as that of men.

7. Women are the custodians of culture and civilisation and the future of every State depends upon their active and equal participation in the affairs of the government.

Property.

In the nineteenth century, possession of property was considered as an essential qualification for franchise. Various reasons were given why property-owners alone could be the voters. Firstly, men of property were men of education who could thereby understand the meaning and purpose of voting and election and could express their opinions on national issues. Secondly, men of property had a stake in the country and would give considered opinion on problems and dangers confronting it. Thirdly, it was feared that if the propertyless classes were given the right to vote, they would elect such representatives as would abolish private property altogether and thus bring economic ruin to the country. Fourthly, the legislature which imposes taxes should consist of those who pay taxes, that is, the representatives of the propertied classes. In the present times, however, the attitude towards property qualification has completely changed. Political equality demands that all classes, whether propertied or property-less, should be treated alike in respect of franchise. They must have an equal right to vote. Moreover, it is now felt that to exclude some men from a share in political power is to exclude them from its benefits and boons. Past experience has demonstrated that the propertied classes misused their monopoly of political power and corrupted the government. They made it a plutocracy or oligarchy. Furthermore, modern opinion regards the State as existing for the wellbeing and happiness of all citizens, irrespective of their property or social position. Lastly, it is a well-established fact that propertied classes exercise great influence on the government both overtly and covertly. It is, therefore, not necessary to give them special protection by means of enfranchisement. Hence in all modern democratic States, property qualification has been abolished and all adult citizens are given the right to vote regardless of their property or income.

Education.

In the 19th century, ignorance and lack of education were regarded as good grounds for disqualifying a person as a voter. This restriction was justified on different grounds by various writers. Bluntschli said, "To vest the power of choosing those who are to rule the State in the hands of the incapable and unworthy classes would mean State suicide." J.S. Mill asserted that "I regard it as wholly inadvisable that any person should participate in the suffrage without being able to read and write." He, therefore, remarked that "universal teaching must precede universal enfranchisement." Like property qualification, opinion about educational qualification has also changed in present times. Firstly, it is said that the problem of modern democracy is not to disfranchise the illiterate masses but to educate them. 'Educate our political masters' is a slogan necessary for healthy and vigorous democratic States to disfranchise the masses on grounds of illiteracy would make the State both undemocratic and unjust. Further, it is really difficult to define and fix educational qualification for voters. Is mere literacy enough to qualify a voter? Or should higher tests be fixed for enfranchisement? Even an educated person in philosophy or mathematics or sciences may not be properly qualified for exercising his franchise. Education is indeed necessary for proper fulfilment of civic functions, but much depends on the kind and nature of education. Education in social and economic matters is far more useful for voters than in natural sciences. Hence educational test is a difficult criterion for enfranchisement. "There is no doubt." writes Finer, "that tests based on knowledge now available and indispensable to rational voting would exclude some 95% of all adults from franchise." Lastly, the spread of universal, compulsory education in present times has removed the need for imposing educational qualifications. In countries like the U.S.A. Educational qualification was required, but this was merely a political trick to exclude the dangerous and the coloured men from a share in elections and political power, because they were usually uneducated. In Pakistan, illiteracy is no longer a disqualification, as it was before Independence.

Residential qualification.

It is an old controversy that a person should be a resident of the electoral district before he can be qualified as a voter or stand as a candidate in the election. This condition is imposed to prevent fraud and to enable the voters and candidates to understand the needs of their locality. In some countries, like the U.S.A. and England, very strict residential restrictions are imposed on voters which are quite unjustifiable. Strict residential qualification produces several evils, like provincialism or parochialism. It promotes sectional outlook at the expense of national interests. Moreover, men of ability are prevented from standing from places of their choice. They have to resort to fraudulent methods to seek election in other places. The only residential restriction that can be justified is that the voter must have resided in the locality six months before the electoral register is prepared.

Importance and Power of Electorate.

In modern times, the electorate has acquired great importance and power. The voters elect the members of the legislature. In some States, they also elect the head of State, e.g., the president and even judges. In Switzerland and certain other countries they have the power to make laws by the Initiative and Referendum and can recall the legislative members. The electorate can thus exercise control over the government through elections and representatives. Moreover, the electorate influences the government through public opinion, which is really the opinion of the electorate. In brief, so great is the influence, power and importance of the electorate, that some writers have called the electorate as the fourth estate, that is, the fourth organ of the State, equal in rank to the other three, the legislature, the executive and the judiciary.

Universal Adult Suffrage.

In view of its importance and power, it is necessary that the electorate should be as extensive as the adult population of the State. When all the adult citizens, irrespective of the difference of sex, property, social status, colour or creed, residence, education, etc., have the right to vote, it is called universal adult suffrage. It means there should be no restrictions on franchise except such essential ones as adulthood, or age-limit, mental and moral fitness.

Arguments against Universal Adult Suffrage.

In some States franchise is restricted on such grounds as property, education, sex, race, colour, religion, etc. Various arguments are advanced to justify this kind of restricted suffrage. Firstly, it is said that the ignorant masses or uneducated people will make a dangerously bad use of their votes, as they are opposed to progress. Sir Henry Maine, a strong critic of universal suffrage, said that the enfranchised masses would oppose all scientific, cultural and intellectual progress and achievements of mankind. Sir James Stephen said that if every one has one vote there would be equality between wisdom and folly. It is also said that the government of the ignorant masses would put an end to liberty, order and civilisation. It will be a vast spoliation.[52] Secondly; women should not be given the right to vote because of their alleged weaknesses and shortcomings. Thirdly, propertyless classes should not be enfranchised for they have no stake in the country and pay no taxes. Fourthly, suffrage is not a natural right but a privilege conferred by the State only on those who are fit to use it in the interests of the State. Lastly, universal suffrage would increase the financial and administrative burdens of the State.

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[52] It was Bismarck who claimed that he could put the most reactionary government in power with the help of the mass vote (i.e.; adult franchise). He was evidently relying on the inability of the masses to distinguish between the true and the false, their readiness to serve a strong master and their gullibility and emotionalism. Many a dictatorial regime is helped to power by plebiscite or referendum.

Arguments in favour of Universal Adult Suffrage.

Several arguments are also advanced in its favour. *Firstly,* universal franchise is democratic. It is based on the sovereignty of the people. If the people are sovereign, they should have a share in the government. *Secondly,* laws are obeyed readily when they are made with the consent and approval of all, as expressed through their representatives. Similarly, the policies of the government should be based on the wishes and interests of all citizens: That which toucheth all should be decided by all." It is only possible if all citizens have the right to vote and elect their representatives and convey their opinions and wishes to the seat of policy-making authority. Moreover, it is rightly said that 'only the wearer knows where the shoe pinches. "Accordingly", as Lindsay wrote, "only he, the ordinary man, can tell whether the shoe pinches and where; and without that knowledge the wisest Statesman cannot make good laws."[53] Thirdly, universal adult suffrage is based on the principle of 'one man one vote'. This principle ensures political equality, as no citizen is excluded from the right to vote. Moreover, it is unjust to exclude certain classes or sections of the nation from a share in political power and government. Universal franchise prevents such an injustice. It protects the interests of all. *Lastly,* it gives strength and stability to the State, because it places political power in the hands of all adult citizens who are intelligent, sane and able-bodied. In short, universal adult franchise is the very basis of the modern democratic State.

DIFFERENT METHODS OF VOTING

Purposes of voting.

Political issues can be settled by expressing opinion either peacefully or with violence. Voting has been described as a means of deciding political disputes and questions without violence. It is better to count heads than to break them. But if voting is to achieve this purpose, it must be free and independent. It means that the voter should be free from all sorts of fears or pressures at the time of voting. Two methods of voting have been devised to ensure free and independent voting; public voting and secret voting or vote by ballot.

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[53] A. D. Lindsay, *The Modern Democratic State,* p.270.

Public v. Secret Voting.

Freedom from intimidation and pressure at the time of voting is essential if voter is to express his choice freely and independently. It means that voting should be secret. But secret voting is recently put into use. In the past centuries, the voter expressed his choice openly and orally in the public. It is called Open Vote or Public Voting. In Secret Voting, the voter casts his vote secretly by means of a ballot-paper and in a polling-booth which is screened off from public gaze. As he comes to cast his vote, the voter is given a ballot paper. He goes in the polling booth and marks the ballot paper according to his choice candidate. He then folds the paper and puts it into a ballot box. When all voters have voted among two or more the box is opened and votes counted.

Merits and Demerits of Public and Secret Voting.

Theoretically, public voting is advocated on several grounds. Voting is a public responsibility and, therefore, its exercise should also be public. "The duty of voting," said J.S. Mill, like any other public duty, should be performed under the eye and criticism of the public." Montesquieu defended public voting on 4he ground that it would enable the ignorant voters to be guided and instructed by intelligent ones in their choice. The German author, Treitschke, condemned secret voting as unreasonable and immoral. The voter shirks his public duty to express his choice openly, while the slinks up to the ballot-box and slips his paper in. It is, he remarks, a shabbiest trick done in the name of freedom. Nevertheless, practical experience has shown that public voting leads to many abuses. It exposes voters to all sorts of intimidations and pressures by the government, political parties, employers, the landlords and other interested people. Secret voting, on the other hand, protects them from molestation and coercion. In some cases the people may be so much intimidated that they cannot really be designated as voters at all. Hence in all countries today, public voting has been replaced by secret voting. England and the U.S.A. gave up public voting and introduced vote by ballot in 18/0, Denmark in 1901, Prusai in 1920, the U.S.S.R. in 1933, and so on.

Plural Voting.

Universal suffrage is criticised by many on the grounds that it does not discriminate between wisdom and folly, intelligence and ignorance, education and illiteracy, property and poverty. Mill remarked that the principle of "one man, one vote" was wrong as it allowed "ignorance to be entitled to as much political power as knowledge.' In order to remedy these defects two methods are proposed and employed in some countries, viz., plural voting and weighted voting. In plural voting (also called differential voting) some persons are given more than one vote on such grounds as education or property or some other qualification? It is said that they should have more votes than those who are less qualified and have fewer interests at stake. When a person has plural votes, he casts them as many times as his votes.

Weighted Voting.

It is a particular form of plural voting. Weighted voting means that the vote person is weighted on account of education, property or some other qualification. Thus his votes are weighted as against the single vote of the ordinary voter. The example of the weighted voting was found in the Belgian Constitution before 1921, according to which every male citizen of 25 years of age, and holding a public office or a lawyer had two votes. No one, however, could have more than three votes in all. Plural or weighted voting in Belgium was, however, abolished in 1921, for this system favoured the peasants, the clergy, public officials and professional classes, as against the workers and the uneducated masses.

Merits.

The underlying principle of the plural or weighted voting is that the votes of the citizens, as Treitschke said, should not be counted but "weighed," according to their worth or value as determined by their qualifications or interests at stake in the State. The vote of an educated person has a higher value than that of an ignorant man, and therefore should be weighted against the latter. "It recognises that some men are wiser and better fitted to choose and that some men's opinions count far more than others in ascertaining the general will."

Demerits.

Plural or weighted voting has now been condemned everywhere as undemocratic and unjust, inasmuch as it discriminates between the rich and the poor. It fills the legislature with the representatives of richer classes. It wrongly presumes that educated persons alone can be good citizens. The chief difficulty in this system is the absence of any standard of judgment. It favours only one class of the educated people, that is, those from academic institutions. There is no criterion of superiority to say that the vote of a citizen is better or wiser than that of another. The educational test becomes arbitrary. Lastly, it opens the door to party intrigues and corruption, and satisfies no one.

Compulsory Voting.

It is a matter of common observation that those who have the right to vote do not sometimes exercise it. It is often observed that due to apathy or indifference to political duty 15 to 50% of the qualified voters stay at home on the Election Day. It reduces the elections to a farce and vitiates the expression of the general will. If franchise is a public trust, a privilege conferred on the citizens in the interest of the State and for the social good, they must be obliged to perform this function by law. In other words, voting should be made compulsory and any citizen who fails to cast his vote, be punished by law. This is the case in Belgium, where a small fine is imposed for non-voting. But it has increased voting only to a slight degree. On the whole, compulsory voting has not found favour with most of the countries in the present-day world. Some advantages are claimed for it. It is said that compulsory voting compels a citizen to fulfil his public duty and that it lessens the powers of the party machine by placing the party in power on footing of equality with the opposition party whose supporters are generally absent or negligent of their rights. But compulsory voting has been condemned by nearly all political writers." There is no means of compelling a person to vote intelligently or to study the personalities and issues involved in an election." A person should vote only when he is interested in election. Lastly, voting, like honesty, should come from the heart rather than imposed as punishment.

SINGLE AND MULTIPLE MEMBER CONSTITUENCIES

What is a constituency?

It is physically impossible that millions of voters in a country could assemble at one place and cast their votes *en msse,* or know all candidates or go long distances to vote. Owing to these considerations, the whole territory of the State is divided into many electoral areas or districts, called the constituencies. A constituency is, therefore, such an electoral area whose voters cast their votes at one place and elects one or more candidates as their representatives. If a single representative is elected, it is called a *single-member constituency,* also called the District System. If several representatives are elected it is called a *multiple member constituency,* also called General Ticket System. In case of a single-member constituency system, the country is divided into as many electoral districts as there are the members of the legislature to be elected .Each voter has one vote, as he has to elect one member only. In the case of the multiple member constituency system, the electoral areas are comparatively much fewer in number but much bigger in size, as each of them elect several representatives. Each voter has as many votes as the members to be elected. At present most of the States have the single member or district system.

Merits of the Single Member System.

1. ***It enables the voters to remain in touch with the candidates and the representatives.***

The single member constituency is necessarily small in size and population. This fact enables the voters to know well the candidates and the representatives whom they elect. Large sized constituencies of the General Ticket system do not possess this advantage. Hence the interest of constituency are better looked after in the District System than in the General Ticket System At the same time a representative can nurse his constituency better if it is smaller than a large and populous.

2. ***It is more economical and simple.***

This system has the advantages of simplicity, convenience and economy. The voter can cast his single vote easily and intelligently in the small-sized constituency. The administrative expenses are also less, and the counting of votes is more convenient than under the General Ticket System.

3. ***It has the advantages of responsibility and stability.***

The single-member constituency method ensures the responsibility of the votes when they choose their representative. It also intensifies his interest and responsibility towards his electors so that he may win re-election on the next occasion. At the same time, experience has shown that this system provides a more stable majority in the legislature, for a single political party usually wins majority of seats in it. On the other hand, under the multiple members system, several parties emerge in the elections because each of them can win some seats. This divides the legislature into several groups and parties and weakens the executive, for a stable coalition ministry cannot be formed. That is why the single-member system is favoured in the parliamentary form of government.

4. ***It encourages local talent.***

The single member district system favours local interest and local talent. The constituency is small and therefore comparatively poorer candidates can contest with confidence and less expenses. They can hope to win local support from the people who know them well. Thus local talent is encouraged. Moreover, as the representative is in close contact with his constituents, he seeks to promote local interests. In the large-sized constituencies of the multiple member system, neither local interest nor local talent can be adequately recognised.

Disadvantages of the Single Member System

1. ***It unduly favours government candidates.***

In small constituencies the government can easily influence the voters in favour of its own candidates. This was demonstrated by French experience.

2. ***It encourages localism in politics.***

Under this system, local interests are emphasized at the expense of the national interests. The voters as well as the representatives are more devoted to their local conditions and needs than to national affairs. Thus it encourages localism in politics. This fact is proved by Italian and French experience.

3. ***It narrows the range of choice of candidates.***

As this system is usually coupled with the residential qualification, it narrows the range of choice of the candidates who must come from within the electoral area. The result is that sometimes inferior candidates only remain to contest the election. But Gilchrist rejects this argument. He says that in the present age of universal education, "it is not easy for second rate men or women to be elected."

4. ***It necessitates constant readjustment of electoral area.***

Population in small-sized constituencies changes frequently. It, therefore, necessitates frequent readjustments of the boundaries of the electoral areas. On the other hand, population increases or decreases in large-sized constituencies of the multiple member system are immaterial and need no redefinition of electoral boundaries.

5. ***It encourages gerrymandering.***

Owing to the need for readjustment of the boundaries of electoral districts the single-member system encourages gerrymandering on the part of the ruling majority parties. It means that they define the boundaries of the electoral districts in such a way as to give the majority party more votes than it would otherwise win on its voting strength. This defect is particularly found in the U.S.A. where the practice of gerrymandering first began.

6. ***It distorts the whole representation system by establishing minority governments.***

One of the chief defects of the single member system is that it returns such a party in majority which represents the minority of the whole electorate. It is often observed that the party which has secured majority of seats in the legislature is really supported by minority of voters in the nation. Thus this system distorts the real purpose of representation by setting up minority government. This fact is noticed in almost all democratic States. For instance, in India the Congress Party ruled the country, although it secured only 38% to 42% votes in (the General 'Elections of 1952 1957 and in recent years.

7. ***It does not provide proper representation to the minorities.***

It gives only some representation to the minorities, but not proper representation to them in accordance with their voting strength. The minority parties secure more votes in the election as a whole but lesser seats in the legislature. The reason is this: as each constituency elects only one representative, the candidate who secure majority of votes in it may have really won less votes than those of all his defeated opponents taken together. Hence the majority party in the legislature is really a minority party among the electorate. The minority parties also fail to get proper representation in the legislature in proportion to their voting strength in the election.

Methods of Election.

An election is the occasion or the means by which the qualified voters make a choice among two or more candidates for the seat in the legislature or for some public office. It is of two kinds, direct and indirect.

Direct Election.

The method of direct election is very simple. The voters cast their votes for or against the various candidates. The candidate who secures majority of the votes is declared successful and is returned as the representative from that constituency. This method has found favour in all democratic States, especially for the election of the popular Lower House of the legislatures.

Merits of Direct Election

1. ***It stimulates political interest among voters.***

The strongest argument in favour of direct election is that it stimulates political interest of the voters in election and politics. Each voter feels that he has a voice and a share in the making or unmaking of the government, for he directly elects those who will make laws and constitute the government. This makes him an active and alert citizen. He becomes conscious of his political rights and duties. Direct election is, therefore, conducive to good citizenship and develops civic sense.

2. ***It broadens the mental horizon of the people.***

Direct elections are hotly contested by political parties and their candidates, for electoral decisions are directly made by the people. The candidates and their workers or canvassers directly approach the people with their own party and personal manifestoes and principles. They explain social, political and other national problems to them, in order to win their votes. The voters are thus educated and enlightened on these problems by different parties. In this way election campaigns acquire great educative value and broaden the mental horizon of the voters.

3. ***It secures effective control of the government by the electorate.***

The supreme purpose of representation and election is to make the government responsible to the people. This purpose is effectively achieved by the method of direct election than by the other method. As the representatives are elected by the people-themselves, they feel themselves to be directly responsible to them. They are responsive to popular opinion. They keep themselves in touch with the needs and wishes of the voters, for thus alone they can hope to be re-elected.

4. ***It is less exposed to corruption.***

The representatives are elected by large number of voters who cannot be bribed or intimidated. Hence there are less chances of corruption in this system than in the case of indirect election.

Disadvantages of Direct Election.

1. ***It places power in the hands of ignorant masses.***

Average voter is ignorant, unintelligent, uninterested and indifferent to the problems of his country. He does not often understand the value of his vote, which he casts for other considerations than political. He is under the influence of such persons or forces as the priests, the caste-relations, his relatives, his landlord, etc. The result is that he does not elect right type of candidates.

2. Passions and propaganda dominate direct elections.

Direct election means election campaigns and intensive political propaganda for or against different candidates. The voters are easily misled or carried away by clever orators or demagogues who skilfully play upon the passions and emotions of the masses. Both the press and the platform are geared to intense propaganda campaign. The average voter is unable to resist its influence. Thus the opinion of the people is made for them by professional politicians and propagandists.

Indirect Election.

It is comparatively more complicated. The voters do not elect their representatives. They elect only a number of persons, called electors who constitute what is called an *electoral college* as an intermediary body. These electors then, in their turn, choose the representatives finally. Thus an indirect election involves double election: first a general election by the whole electorate, and then a limited election by the small body of electors, who finally elect the representatives. This method is not so common. It is usually favoured for the election of the Second Chambers or the Upper House, especially of the Federal States. It is also employed for the election of the presidents of the Republican States. For example, in France the Upper Chamber is indirectly elected, in the U.S.S.R the Soviet of Nationalities and in Pakistan the Senate and the President are indirectly elected.

Merits of Indirect Election.

The method of indirect election was much favoured by writers during the early period of the rise of modern democracy. In theory, it has many advantages. It was regarded as an effective remedy of the dangers of universal suffrage and an effective check to the emergence of mob rule. Some of the chief merits are as below:

1. *It is free from the gusts of popular passion.*

As this system interposes intermediaries between the primary voters and final representatives, it is free from the gusts of popular passions. It is, as, J.S.Mill wrote, intended to impede the full sweep of popular feelings, for final choice rests not with the people but with a few electors who "would be less moved than the Demos by the gust of popular passion."

2. *The* representatives are elected by men of ability and intelligence.

The chief argument in favour of indirect election is that it secures the election of competent men and intelligent persons. This would tend to improve the quality of the legislature which would consist of competent and qualified members.

3. **It ensures cool consideration of political issues.**

Indirect election means really two elections which necessarily imply a longer process of choosing the representatives. Indirect election, it is therefore said, "introduces an element of delay in elections, and acts as a sort of sieve through which election fever passes". The sieve is the "electoral college", the intermediary body of electors, which makes the final choice after cool consideration, because it is free from popular pressures and passions.

4. Finally, the method of indirect election is good for countries whose people are educationally backward and politically unorganised. It is particularly useful for electing the Second Chambers.

Defects of Indirect Election.

Experience with the system of indirect election has revealed that its theoretical advantages are non-existent, while it has many defects and disadvantages in actual practice. They are as follows:

1. **It kills popular interest in the elections and politics.**

The greatest defect of this method is that it makes the primary voters indifferent to the election. They know that their votes are merely the first stage of a process the end of which may be quite different from what they would vote for. They lose interest in politics. "If a middleman", writes Garner, "is interposed between the voter and the object of his choice, his interest is necessarily diminished and his opportunity for political education weakened." Indirect election has, therefore, little or no educative value. It weakens the spirit of popular government which depends upon popular interest in public affairs and political intelligence of the masses.

2. ***It is out of harmony with the spirit of modem democracy.***

Another great defect of this method is that it weakens, if not actually vitiates, the principle of representative democracy. It weakens the direct responsibility and relationship between the representatives and their constituents, between the rulers and the people. It interposes intermediaries between the primary voters and the law makers and creates a distance or gap between the two.

3. It is illogical, for if a man is fit to choose an elector, he is also fit to choose a representative. If he has intelligence enough to choose an elector, how can his intelligence be doubted when it comes to choosing the final, the real, representative?

4. ***Indirect election has often become direct election in present times.*** This change has been brought about by the rise of strong and well-organised political parties. The primary voters vote for such intermediary electors who have already pledged to vote for the candidate of the party to

which they belong. Thus intermediaries become a sort of living ballot-papers or registering machines and indirect election becomes really a direct one. This is illustrated by the election of the American President.

5. *It breeds intrigue and corruption.*

As the number of secondary voters of "the electoral college" is small, intrigue and corruption are easy. They can be easily bribed or intimidated or otherwise influenced by interested parties and vested interests. The electors, holding no permanent office or position in the public eye, "would risk nothing by a corrupt vote except which they would care little for, not to be appointed electors again." It breeds dictatorship and autocracy.

6. Finally, indirect election can be successful when both primary and secondary voters are honest, intelligent, and public spirited. But this is rarely so.

Chapter 33

Representation

When the elections are over, the successful candidates become the representatives of their electors. They sit in the legislature, make laws and run the government of the country. Several questions arise about the representatives, such as their term of office, their relation with their electors, etc.

Term of office.

The control of the electorate over the law-making representatives is essential for the democratic working of a popular or representative government. If the legislature is to be responsive and responsible to the public opinion, its term of office should be neither too long nor too short. It should be remembered that "in all elective offices the length of term affects the power of the electorate." What should be the term of office of a representative? Obviously, a perpetual or a long term of office is contrary to the principles of representative democracy. There is, however, no precise rule of universal application; and the practice varies greatly from State to State. The members of the British House of Commons are elected for a term of five years; and so are the members of the National Assembly of Pakistan and of the House of the People in India. The members of the American House of Representatives are elected only for two years and of American Senate for six years. The membership of the British House of Lord is hereditary and therefore lifelong.

Annual Elections.

It was once strongly pleaded in the 19th century that the legislatures should be elected for one year only, so that they might reflect public opinion faithfully. The supporters of annual elections even declared that "where annual elections end, tyranny begins." But practical experience has revealed the difficulties, inconveniences and even dangers of holding annual elections. One year's term is inconvenient for the representatives. They cannot learn anything about their duties in such a short time. The legislature becomes reluctant to undertake and pass important laws in so short a time. The executive cannot adopt a long-term policy and plans. The people become disgusted with too frequent elections, coming at the end of every year. Moreover, public opinion does change but not so frequently as to require "the censorship of the voters every year." Finally, there are several other means besides elections by which the legislature can find out the opinions of the people, such as the press, platform or official correspondence of the legislators. In short, annual elections are impracticable, inconvenient and troublesome. The length of office of a legislature was to be longer than a year.

Frequency and time of Elections.

Although no hard and fast rule can be laid down, yet elections should be held often enough for the electorate to exercise effective control but not so often as to impair governmental efficiency by too frequent changes of men and policies. A term of four or five years is now considered as a fairly good period for the life of a legislature. It makes the government responsible to the people and responsive to public opinion. In a parliamentary government, this aim can be more frequently achieved by dissolving the legislature whenever it is felt that an appeal to the people to express their opinion on a question of national importance is necessary.

Two theories of the relation between the representative and his electors and party.

What is the duty of representative to his electors? There are two theories about it. One is known as the delegate theory or the theory of the instructed representation, and the other is known as the theory of uninstructed representation.

1. Delegate or Mandate theory or the theory of instructed representation.

According to this theory, a representative is merely a delegate of his electors; he is their mouthpiece. Therefore, his function is only to act according to the instructions received from his constituents. He is not to use his own discretion or judgment to decide the affairs of the State. If he fails to abide by their instructions received from his constituents, he can be recalled by them. Thus the duty of the representative consists in obeying the mandate or instruction of his constituents, the people with whom supreme power resides. This is the reason why this theory has been wittily termed as the "telephone theory of representation". The representative is at the receiving end of the telephone and faithfully communicates the voice of the people to the council chambers of the State. In other words, he is to play back his master's voice. The English writer, Edmund Burke, strongly criticised this theory. "It ought to be the happiness and glory of representative to live in the strictest union with his constituents. Their wishes ought to have great force with him; their opinion in high respect their. Your representative owes you not his industry only but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.'

Due to the rise of the strong and well-organised political parties in the present days, the Delegate Theory has assumed a new form. The member is now regarded as a delegate not so much of the constituency he represents but of the party to which he belongs. He has taken a pledge before his election to support the party policy or "line" in the legislature. He cannot break his pledge or mandate, by either deserting the party after his election or oppose its policy in the legislature. But this view is strongly criticised. For instance, Laski says, "A member is not the servant of a party in the majority in his constituency. He is elected to do the best he can in the light of his intelligence and his conscience. Were he merely a delegate instructed by a local caucus, he would cease to have either morals or personality."

2. **The Theory of uninstructed representation.**

The theory of instructed representation has been rejected by most of the writers. It is now held that the member is not a delegate but a trustee, a representative. He is chosen by his electors because, firstly, his views are in general accord with their view, and secondly, because his character and attainments are such as to enable him to join with other representatives in the legislature to make laws and policy for the good of the nation. He is not bound to decide every matter only on the instructions of his electors and consult them on every occasion. He can use his own judgment and reason to decide as he thinks best for them. Nevertheless, he must remain loyal to any pledge he has given at the time of his election. It is now generally accepted that a member is a representative not of the constituent from where he is elected but of the whole nation.

Criticism or instructed representation.

The theory of instructed representation has been severely criticised and rejected by many writers due to its defects, difficulties and dangers as mentioned hereunder:

1. It favours ignorance against wisdom.

A representative is chosen for he is a person of superior wisdom and judgment among the people of his constituency. The theory of instructed representation would require that he must implicitly comply with the instructions and mandate of his constituents, which really means that he must obey those men in his constituency who are not his equal in wisdom and knowledge. Really, as Gilchrist says, it must be the representative who gives instructions to his electors, being abler than most of them, rather than to receive from them. Prof. Lindsay writes, "We all recognize that expert and technical knowledge must come from specialists that the ordinary man or woman is not capable of judging the detail of legislative proposals. We say that the public decides upon broad issues (facing the people or country)."[54]

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[54] Op. cit p. 268.

2. *It is immoral.*

It demands that the representative should subordinate his opinion to that of others, even though they may not be his equal in wisdom and intelligence. "He is elected," writes Laski, "to do the best he can in the light of his intelligence and his conscience. Were he merely a delegate, instructed by local caucus, he would cease to have either morals or personality."

3. *It is impossible to receive instructions.*

Even if the theory is accepted, it is impracticable. The constituents cannot give a detailed instruction to their representative which can be acted upon for a long time by him. They are so many that no such instructions can be agreed upon among them. Furthermore, neither the representative nor his constituents have time enough to consult each other on every new occasion or problem. Finally, most of the voters are neither interested nor do they understand many of the laws and matters discussed and adopted by the legislature. What instructions can they give to their representatives regarding such laws and problems, obviously little or none?

4. *It disrupts the legislative process.*

No legislature can perform its legislative functions if its members are bound to act only on the instructions of their constituents. It will really deprive it of real work of deliberation and adoption of laws. It will split the legislative process into two. Deliberation will be done by the voters in their millions, while adoption of laws by their instructed representatives. But such a process would reduce the legislative work to a farce, for those who will make the laws will not hear the arguments of those who discussed and debated upon them. The legislature will not remain a legislative body but will be reduced to the level of registration office, which records the decisions made outside its council chambers. Moreover, such a long-drawn process would cause delays and obstructions in making new laws. The representatives will have to wait for instructions from their constituents before they discuss and pass a new bill.

5. ***It will reduce the tone and quality of the legislature,*** for men of ability and talent would be reluctant to be elected to a body which has no power to decide anything.

6. It emphasises local interests and local opinion, for an instructed representative regards himself as a delegate and custodian of the interests of the constituency he represents. Thus it will make the representatives to neglect the national interests. So the nation as a whole would be the loser." Parliament", as Burke said, "is not a congress of ambassadors from different and hostile interests. But Parliament is a deliberative assembly of one nation, with one interest, that of the whole, where, not local purposes not local prejudices, ought to guide, but the general good resulting from the general reason of the whole. You choose a member, indeed, but when you

have chosen him, he is not a member of Bristol, but he is a Member of Parliament."

7. Instructed representation is obvious meaningless in modem times, for the constituents can reject a representative who is flatly against their interests by refusing to re-elect him. Really, the rise of strong and well-organised parties has strengthened the hold of the constituents over their representatives who are pledged to support their party in the legislature.

Conclusion.

Although we have rejected the theory of instructed representation, we cannot go to the other extreme and conclude that representative is absolutely free to do whatever he likes, regardless of the wishes and convictions of his electors. A proper view of the duties of a representative towards his constituents is as follows:

The representative is not a master, but he cannot disregard the views of his electors altogether. He is elected to confer and consult other representatives who come from other parts of the country as to what is best for the nation as a whole. He should be consistent in his views, and should not change them radically after his election. For instance, as Laski says, a representative who is elected as a free trader should not vote in the legislature for a protective tariff. "He must be decently consistent in opinion and reasonably diligent in the performance of his duty". He must not only receive instruction from his constituents, but also be ready to guide them in understanding the problems of the nation, for he occupies a pre-eminent and prominent position among them. He must enlighten and liberalise their views and outlook. Lastly, the representative should be allowed freedom of judgment, that is, to act as he thinks best in the circumstances and to be guided by his experience of the legislative debates and discussions. Authoritative instructions, to be acted upon blindly and obeyed implicitly, would be contrary to the parliamentary system.

MINORITY REPRESENTATION

Problems of Minorities.

Many States have heterogeneous population, comprising of two or more groups of people who differ from each other in political views, religion, race, language or culture. The larger group in the State usually rules it, while the smaller group or groups have no share in the government due to their numerical inferiority. Such a lesser group which differs from the more numerous groups in political views, religion, nationality, language, race or culture, is known as a minority. There are political, national, religious or communal, linguistic and racial minorities. Among them, however, the political minority is different from all other kinds. Political minorities are temporary, for the people usually change their political views after some time, so that what is a minority party today may become a majority party tomorrow. But one cannot thus change the colour of his skin, religion, language or his race and nationality. Hence national, racial, religious or linguistic minorities are permanent. If minority groups are not given a share in the government of their country, as it is often the case, it becomes a source of permanent injustice and grievance, and a blot on its democratic system, if such a country claims to be a democracy.

Arguments for minority representation.

John Stuart Mill was the first great advocate of minority representation in a democratic State. In his book, *"Representative Government"*, he declared that "it is an essential part of democracy that minorities should be adequately represented. The idea of democracy, according to its definition, is the government of the whole people by the whole people, equally represented." "Mill lamented the fact that such a democracy exists nowhere. On the other hand, he said, the existing democracies are really "the governments of the whole peoples by a mere majority of the peoples exclusively represented." Analysing the reason why the majority rules and the minority disfranchised, he says, it is due to the voting system, that is, the principle that majority votes must decide discussion and deliberation in a representative body or legislature. "But" he goes on to say, "does it follow that the minority should have no representatives at all? Because the majority ought to prevail over the minority, must the majority have all votes, the minority none?" Such a State of affairs should cause injustice, inequality and would be a blot on the fair name of democracy, "which professes equality as its very root and foundation." Justice and equality demand that majority and minority should be proportionately represented. So the method of proportional representation was Mill's solution of the minority problem, without which democracy becomes not equal government but a government of inequality and privilege. Accordingly, the minority has a right to elect its own representatives to the legislature so that they participate in the deliberation and adoption of laws, along with those of the majority representatives. For laws, as Laski says, must be built on the widest wishes of the minorities, which must be taken into consideration in making them. Otherwise it would result in oppression, tyranny, discontent and rebellion.

Methods of minority representation.

Five methods of minority representation have been devised and applied in the modern States. We shall first consider the method of proportional representation.

Proportional representation.

It is the earliest and the best method of minority representation. It seeks to remove the defects of the majority principle in the single—member constituency, on which the present-day election and representation systems are based. Minorities are not represented in the legislature, at least in proportion to their voting strength, that is, in proportion to the number of votes they have actually secured at the polls. The system of proportional representation seeks to obviate or correct such defects of the existing system of representation.

The principle of proportional representation is succinctly explained by J.S. Mill in these words: "In a really equal democracy, every or any section should be represented, not disproportionately but proportionately. A majority of the electors would always have majority of the representatives; but a minority of the electors should always have a minority of the representatives. Man for man, they would be as fully representative as the majority." Lecky, another advocate of minority representation, wrote, 'The importance of providing some representation for minorities is extremely great. When two-thirds of a constituency vote for one party and one third for the other, it is obviously just that the majority should have two-thirds and minority one-third of the representatives." This is the aim of the probational representation. Two methods of probational representation are the **Hare** or the **single transferable vote system** and the **list system.**

1. The single transferable vote system.

This method is in use in Ireland and for municipal elections in Canada and the U.S.A. It is also known as **Hare System**. It was devised by an Englishman, Thomas **Hare,** in his book *"Election of representatives"* in 1857. It is also called **Andrae system,** after the Danish Minister, named Andrae, who first applied it in Denmark in 1855, with a slight difference regarding the method of determining the quota, as mentioned hereafter. Some writers also call it the **Preferential System,** for it enables the voter to indicate his preference for one or the other candidate. Finally, it is usually known as the **Single Transferable Vote System**. The vote of an elector is not wasted. If his candidate is unable to get a majority or plurality of votes, his vote is transferred to the next candidate for whom he was shown his second preference and so on.

The essentials of the single transferable vote system are the multiple number constituency, a single vote, preferences, the quota and the transfer of votes.

Preferences.

This system requires the multiple member constituencies with at least three seats. No maximum number of seats is necessary, but Lord Courtney suggested a fifteen-member constituency as a responsible limit. In practice, however, the number of seats varies between three to fifteen. Now, each voter has only one vote. But he can indicate his preference on the ballot-paper by marking his first, second, third or more choices for the various candidates on the ballot-paper as 1, 2, and 3 so on against the names of the candidates. He can thus indicate as many choices as there are the representatives to be elected.

Quota.

Before the counting of votes begins, the quota of votes which a candidate must secure to be declared elected is first determined. In the Hare System, the quota is determined by dividing the total number of votes in the constituency by the number of seats to be filled, as thus:

$$\text{Quota} = \frac{\text{Total No. of votes}}{\text{No. of seats}}$$

Suppose there are 10,000 voters in a constituency, and 4 seats to be filled.

$$\text{Quota} = \frac{10.000}{4} = 2,500.$$

In the Andrae System, the quota is calculated as thus:

$$\frac{\text{Total No. of votes} + 1 \text{ No.}}{\text{of seats} + 1}$$

Suppose there are 10,000 votes, and four seats to be filled. The quota of votes will be:

$$\frac{10.000 + 1 =}{2,001\ 4}$$

$$+ 1$$

The Andrae system of reckoning the quota is better than that of the Hare system.

Counting of votes.

Next the counting of votes begins. First of all the first choices are counted. When a candidate has secured the required quota of first choice, he is declared elected. The surplus votes cast in his name are then transferred to the candidates of the second choice, till he secured the requisite quota of votes and so on. In case no candidate completes the quota, then the votes of those candidates who secured the lowest number of votes are transferred, to the other, according to the preferences expressed on the ballot-papers till their quota is complete. Thus as many candidates are declared successful as there are seats to be filled. In this way, every minority gets representation according to its voting strength, provided it is more then the required quota of votes.

Its Defects.

1. The single transferable vote system has some obvious defects. It is complicated and difficult to be understood by ordinary voters. It encourages party intrigues and combinations and such tricks as "bullet voting." that is, voting for only one candidate in order to receive votes from other parties while giving none. It, therefore, encourages differences and cleavages among 'parties and interests. Lastly, it may happen sometimes that the candidate with first choices may fail to secure the quota while those of the second and third choices may be declared successful. How can we say that the second, third or later choices are the real preferences of the voters?

2. **The List System.**

It is another variation of the proportional representation. It is used in several European countries, such as Italy, Switzerland, Austria, Germany, etc. It is also based on the multiple member constituency system. Each political party puts a list of as many candidates as the number of the seats to be filled from a constituency. Every voter has one vote, which he casts not for one candidate but for the list of the party of his choice. Before the votes are counted, a quota is determined by dividing the number of votes cast by the number of seats to be filled from a constituency. Then the total number of votes secured by each party is divided by the quota, which gives the number of candidates of the party. Suppose 6,000 votes are cast in a four-member constituency. The electoral quota is 1,501 votes. Now suppose there are three parties, viz., nationalists, socialists and conservatives The nationalists have secured 3,400 votes, the socialist party secured 2,100 and the conservative party 500 votes. So the nationalist party will get two seats, the socialist party one seat, while the conservative party none, for its votes polled are less then the quota of 1,501 votes.

Its merits and defects.

The List System is exceedingly simple. The wastage of votes is far lesser than in the case of the Hare System. As no preferences are shown, it is easily intelligible to the voters. But it places excessive power in the hands of the party organisation and denies to the voters the privilege of selecting individual candidates. Nevertheless, the List System is far more popular than the Hare or the single transferable vote system.

Merits of Proportional Representation.

The first merit of proportional representation is that it secures representation to all parties and groups in the nation in proportion to their voting strength. It makes the legislature a true mirror of the nation, as it must be in a democracy, based on equality and liberty. *Secondly,* every minority has and equal chance to win seats in the legislature, especially if it is a racial, linguistic or religious minority which is permanent in character and can never hope to become a majority. It thus produces a sense of security and satisfaction among the minorities. *Thirdly*, the very fact that the single transferable vote system is a complicated affair and makes it necessary for the voter to indicate his preference has an educative value. The voter is compelled to reflect over the qualifications of the various candidates before he shows his preference. This develops his civic sense and makes him an intelligent citizen who has to consider the issues involved. *Fourthly*, proportional representation prevents any sudden and radical changes in the State constitution. It gives birth to multiple parties with various interests in the legislature, and thus makes coalition government necessary. Such governments do not favour radical and extreme measures and laws for they are the result of compromise. In short, this system recognises the pluralistic nature of modern society and gives a direct voice to all groups and interests in the law-making body.

Demerits of Proportional Representation.

It has more defects than merits. Practical experience has revealed many weaknesses in it some of which are of serious nature. *First* of all, proportional representation system lacks simplicity which is the requisite of a good electoral system. The need for indicating preferences, quota, etc., are things which the ordinary voters do not understand and the electoral officers cannot properly deal with. *Secondly*, all methods of proportional representation require large-sized multiple-member constituencies which hinder a direct and personal contact between the voters and the candidates. Hence proportional representation "destroys all prospects of personal relations between the member and his constituent she would simply become an item in a list, voted for almost entirely on party grounds." It increases the influence of the party bosses. It increases the influence of the party organisation and opens the door to such electoral evils as demagoguism, bribery, party intrigues, etc. By-elections are almost possible under this system. *Thirdly*, it encourages minority thinking and "splintering". It produces multiple parties and groups and thus fragmentariness the legislature. The voters and the candidates all think of and fight for groups' interests. The legislature is filled with several parties and groups which destroy the national character of the legislature and make it an arena of divergent sectional and party interests. It causes several weaknesses. All laws are the result of compromise and serve party interests. Hence legislation becomes class legislation. Cabinets are coalition cabinets which are notoriously unstable and weak. Further, the coalition cabinets are unstable and irresponsible, weak and vacillating in policy and administration. All these defects can hardly help the legislature and executive to express the general will of the nation. *Lastly*, opinion and interests of the minorities cannot be safeguarded by such electoral devices as the proportional representation. The need is of a sound national economic system and a good moral character of the people, i.e., as Laski says "by the elevation of the popular standard of intelligence and the reform of the neatly graded volume of opinion." On the other hand, proportional representation has not secured better representation. It has engendered such evils as party intrigues, jobbery, and bossism.

Conclusion.

Proportional representation violates some of the basic principles of political science and practice. Political decisions are not made by counting votes alone." Most urgent is the weighting of influences "as Sidgwick says, "that take place in the law-making process. And minority views may find adequate institutions therein for the expression of their opinions and desires." The French Jurist, Esmien, has condemned it, for "to establish the system of proportional representation is to convert the remedy supplied by the bicameral system into a veritable poison; it is to organise disorder, and emasculate the legislative power; it is to render cabinets unstable, destroy their homogeneity and make parliamentary government impossible." To conclude: "However useful for a debating society, it is useless as a means of establishing an instrument of government." In Germany and Italy it had been the stepping-stone for the establishment of fascist dictatorships.

Other Methods of Minority Representation

1. Limited Vote System.

Under this system there are multiple-member constituencies with at least three seats. A voter can cast several votes but they are less than the number of seats to be filled. If the constituency has five seats, the voter will have only three votes. Hence it is called limited vote. Moreover, he must not give more than one vote to any single candidate, but spread his votes over several candidates. This will enable a minority party to win some seats in the legislature, provided it is a large minority. This system does not give representation to small minorities, as the proportional representation does. It was tried in Portugal and in some States of the U.S.A.

2. The Alternative Vote System.

This system is applicable in single-member constituencies only. Under this system a voter, who has to choose from four candidates, indicates his preference by showing first, second and more choices. If no candidate obtains more than half the votes after first choices have been counted, then second choices are also counted to decide who wins, while those candidates are eliminated who secured the lowest number of votes. This system does not favour small minorities.

3. The Cumulative Vote System.

Under this system the voter has as many votes as there are seats to be filled in the constituency, but he can cast them for one of the candidates or spread them over more or all of them. As he concentrates his votes on one candidate, it is called the cumulative vote system. It enables a minority to cast all its votes to its own candidate. This system is used for electing local officers in some States of the U.S.A.

4. Communal representation.

This method was employed in British India for giving representation to religious minorities, called the "communities such as the Muslims, Sikhs, Christians, and the economic classes such as the landlords, etc. It was done in two ways: by separate electorates. In this case the voters of each community voted separately for the candidates of their own community. Thus there were separate constituencies for each community. The second method was the joint electorate with reservation of seats. Since Independence, both Pakistan and India have given up the system of communal representation, except that seats are reserved in some cases in the India Constitution for the Scheduled Castes.

FUNCTIONAL REPRESENTATION

Territorial vs. Functional representation.

Practically all modern States have adopted the principle of territorial representation. The whole State is divided into a number of constituencies. All the voters living in a constituency elect one or more candidates together regardless of their differences of occupation, profession, religion or social interests and status. This system of representation is known as Territorial Representation, for the elected member claims to represent the territory from where he is elected, whatever his occupation or social work or status may be. For instance, a representative may be a lawyer, but he represents doctors, teachers, workers, peasants, miners, railway men and all other sections and classes of people in his constituency. This system is justified on the ground that a man is more attached to his locality than to his profession and that voters are more locality-conscious.

In recent time, however, territorial representation is attacked by several writers, such as the Guild Socialists like G. D. H. Cole, the two Webbs, and also by the early Soviet Communists, the Fascists, etc. In its place, they propose Functional Representation, also called, *Occupational or Vocational Representation*. They claim that the population of a State has diverse interests, professions and occupations and is divided into many classes, sections and groups. It has many religious, economic and social differences. All these differences cannot be represented by men who are elected on territorial basis. A lawyer can not represent the doctors, a cobbler cannot represent the railway men, or a teacher cannot represent the factory workers. Yet each of them can represent his own profession. Hence representation must be functional rather than territorial. Men are "much more intelligent and trustworthy judges of the real qualities of those who work in the same industry than of those who live in the same geographical district". Many writers also believe that the chief political issues are necessarily industrial issues which need be decided by the representatives of the industries concerned.

Although it is nowhere adopted in its entirety, functional representation has been introduced in a modified form in many countries. In Great Britain the universities were given special representation in Parliament. In the Soviet Union, the Soviets comprised the workers, peasants and soldiers during the early years of its history. The Weimar Constitution (1920): of Germany provided for the German Economic Council which was based on functional representation of various agricultural, industrial and commercial groups and interests. "The corporate State" of Mussolini's Fascist Italy and the scheme of "economic estate" in Nazi Germany also toyed with the concept of functional or occupational representation. The English writer Graham Wallas suggested that while the lower chamber of a legislature should be territorially elected, the upper chamber should contain representatives of different functional groups and interests. The Webbs proposed that there should be two parliaments, one political and the other social, the former to be territorially elected and the latter functionally.

Merits of functional representation.

Functional representation is in harmony with the pluralistic and federal nature of modern society. It makes authority federal in character. Every occupation, profession or interest should be controlled by representative council of its own, while the power and authority of the traditional government should be reduced to the necessary minimum of maintaining peace and order, defence and judicial settlement of disputes. This will give two advantages: (i) sectional interests will be given a voice and (ii) the elected delegates will, more likely have an expert knowledge of the matters which relate to their occupation or interest. "A political theory," writes Coker "that is realistic must recognise that the modern community is made up essentially of groups rather than of individuals, and the ordinary citizen can be organically linked with the community only through the various intermediate associations into which his more intimate interests naturally draw him. He can impress the stamp of his will and opinion only on those decisions that relate to matters he can understand and in the formulation of which he can collaborate with others, with whom he feels some special bond of vocational or cultural interests. The associations formed on these bonds, therefore, should become substantially autonomous in both policy and administration."

Demerits of functional representation.

In practice, functional representation has revealed "such serious weaknesses as to make it little, if any, better than territorial representation."

Firstly, functional representation destroys the basis of national unity and sovereignty. It splits the society and State into conflicting classes and groups. If such a system is adopted, it would emphasize class interests at the expense of national interests and national unity. Vocational representation encourages class consciousness and undermines national unity and sovereignty. A man is a citizen first, a worker or a teacher afterwards. Secondly, this system creates several practical difficulties. It is difficult to define what a function is and how it is to be represented. Are all functions of equal importance and hence to be represented equally? Obviously, they are not. Thirdly, national policy cannot be viewed differently by different functional groups and professions. For instance, as Laski has rightly said, "there is not a medical view of foreign policy, of the nationalisation of mines, or of free trade." All professions, occupations and groups have to play their individual role in the life of the State, but they have to keep the common good in view. They cannot send their own representatives to the legislature which makes laws and policy for the common good of the whole nation and not of various classes and groups. The advocates of functional representation have really overestimated man s role as a producer. But they take a narrow and limited view of the duties of the representatives who must serve national interests rather than group interests. Fourthly, it is, as the French writer Esmien says, an illusion and a false principle which would lead to struggles, confusion and even anarchy in the community and the nation. We conclude, therefore, that functional or occupational representation will not solve the problems of the State and cannot replace the present system of territorial representation. "Weaver, miner, baker, teacher each has his part to play in the commonwealth. But it would seem on the whole advisable that all these economic interests should combine to send to the parliament a representative of the locality to which in common they belong, rather than by vocational representation, to emphasise their class interests and, exaggerate their economic antagonisms." The interests of economic minority groups cannot be safeguarded by a system of proportional representation.

Part VII

Political Dynamics

Unconsidered aspects of the past become interesting in the light of the changing present.

(P.F. Lazarsfeld.)

We do not know what words mean, but we rule the people with them.

(Benjamin Disraeli.)

Chapter 34

Public Opinion

The basic distinction between the modern and earlier States lies in the influence and effect of public opinion and the part which propaganda plays today. In all States of the past public opinion was unknown, but the modern State is at once a master and a servant of public opinion and propaganda. A democracy is a government by public opinion.

Nature of Public Opinion:

What is an Opinion? In order to understand public opinion, we must first know what an individual opinion is, for in some way or another public opinion is a resultant of individual opinions. An individual opinion may be defined as the expressed idea or attitude of an individual on an issue confronting the group of which he or she is a member. Expression is necessary, for an unexpressed idea or attitude cannot be an opinion. But here arises the first problem about opinion formation. On certain occasions even unexpressed or silent opinions can have great affect of public opinion. Moreover, individual opinion may be positive or negative, for or against the issue in question. Further, an individual's opinion is likely to change over time, when his or her experience, knowledge, or age environment changes. What is more, the opinions of no two individuals are absolutely alike, because the environment, experience, and knowledge of no two individuals are the same, even if they live under the one and the same roof. Lastly, though not in the least, an individual's opinion may be at first vague and indefinite. But it may become more precise, definite and stable after some time, long or short, when he or she is pressed by the urgency of the situation or problem, and/or by the alertness of his or her mind, experience or knowledge.

Now the problem is: How do the opinions of many individuals, sometimes millions of people change or are transformed into public opinion? This question has occupied the attention, and even baffled the minds of innumerable thinkers, philosophers, sociologists, political scientists, Statesmen and researchers for more than two centuries. The question is at once important but difficult. It may be said, and rightly, that public opinion is the sum of individual opinions on an issue. But, then, it is noted that it is more than merely sum of individual opinions, because sometimes it acquires a force and vitality unconnected with any specific individual. For example, the word "Pakistan" was only an idea, an opinion, of an unknown student, Ch. Rahmat Ali, in 1937. But in a matter of ten years, it became a tremendous popular force, now called "Pakistan Movement." The well-known German sociologist, Ferdinand Tonnies, said, "Whatever may come to be considered a public opinion, it confronts the individual with an opinion which is in part an extraneous power." Another author has explained it as a crystallization process, which is, as he says, "the transformation of individual attitudes into a collectivity can exert influence". Sometimes this transformation is so dramatic and revolutionary that we may characterise it as "the genie in the bottle effect". As the children's story-book tells us, there was a genie that was kept by his master in a bottle. But when his master let him out of the bottle it loomed so large over him that he was frightened. The same thing happens in history and politics at certain times. The observation of the crowd behaviour seems to confirm the existence of some psychic entity that may seize hold of many individuals at once and lead them to behave in ways that no one of them would have behaved under other circumstances. In some situations, this kind of collective behaviour of public opinion sweep way powerful governments or dictators, as for example the overthrow of Ayyub Khan's government in 1969 or of Mr. Bhutto's government in 1977 in Pakistan, or of General No Win in 1988 after he had ruled Burma for more than a quarter of century. Public opinion also manifests itself in more peaceful but effective manner, as for example the overthrow of Winston Churchill's government in the general elections of 1946 in Great Britain, although he was the saviour of his country in the 'World War II (1939-45). Hence it is asked, why there are sudden and radical shifts in public opinion and therefore in the governments and their policies and how to avoid them, especially in a democracy? To put it differently, how to organise public opinion so as to avoid sudden shifts and changes in it. This question is particularly important for the new nations or developing countries, which are sometimes bedevilled by them.

Public opinion grows out of a great variety and diversity of the views, beliefs, ideas and prejudices of the myriads of individuals or citizens of a State, when they think and want to do something in common. In their everyday life, they think, feel and act differently, and diversely, even divergently. But when required to think and act in common under the influence of a leader or an event, they may create a unity or uniformity of belief, opinion and behaviour. This is the Public *Opinion.*

Definition:

Lord Bryce defines it thus: Public Opinion is "the aggregate of the views men hold regarding matters that affect or interest the community. Thus understood, it is a congeries of all sorts of discrepant notions, beliefs, prejudices, aspirations. It is confused, incoherent, amorphous, varying from day to day and week to week, But in the midst of this diversity and confusion every question, as it rises into importance, is subjected to a process of consolidation and clarification until there emerge and take definite shape certain views or sets of interconnected views, each held and advocated in common by bodies of citizens." V.O. Key, an American behavioural political scientist, defines public opinion as "those opinions held by private persons which governments find it prudent to heed." Unexpressed or silently-held opinions do not become public opinion. Instead, publicly expressed opinions become so, and more so if expressed with conviction and intensity. Generally more attention is given to informed opinion, and to the views of expert, interested or elite groups because of their particular abilities, influence or experience.

We may define public opinion as the collection of individual opinions on an issue of public interest, which can exercise influence over individual group and government behaviour or policy, formed under the influence of or communicated by a leader, party, or group.

In short, public opinion needs four things: individual opinions + a public issue + communication media + relationship of influence between leaders and the led. Harold Lasswell called the influencing leaders as the influential.

Public Opinion or Majority Opinion.

Generally speaking, public opinion is a majority opinion. At least, it must become so, if it is to be the effective and ruling opinion. But neither in its formation nor in its nature is it necessarily a majority opinion. "Public opinion is not the name of a something, but a classification of a number of some things." As we said above, it arises from a welter of several minority opinions struggling for acceptance by the bulk of the people but even if it is accepted by the majority, it may not be yet a public opinion. Majority opinion is public opinion only when it aims at the common good and satisfies the general interests and well-being of the whole nation and embodies the willing consent of the minority or minorities in the nation. It is aptly remarked by a political scientist that "a majority is not enough for public opinion, and unanimity is not required, but the opinion must be such that while a minority may not share it, they feel bound by the conviction and not by fear to accept it." In other words, it must be based on intelligence, educated opinion, and consent of all, and not on ignorance of this majority or fear and coercion of the minority. A true public opinion is, therefore, one which is prompted with due regard to public welfare. It rests on weighing the facts of the case. It must be acceptable to the minority not out of fear but willing acceptance of the common good, in which it also has a share. Unanimity is thus not necessary to public opinion; what is essential is the common good or national welfare at which it must aim. A minority opinion can become public opinion, if it aims at common good. Willoughby has rightly said, "In any community of men that which has assumed the character of public opinion is the result not of the opinion of all is members but only of those persons, few or many, who are led to think and to form judgments regarding matters of general interest."

Two kinds of Public opinion; Political and Social:

Public opinion is not merely political: it can also be social. Social opinion is concerned with matters of social importance, in which political leaders and governments have little or no influence, except in totalitarian or ideological States. Social opinion can be seen in fads and fashion, which often spread so far and so suddenly over whole or part of a society. It is, for example, expressed by public attitudes towards the film stars. It is also frequently formed or organised by commercial firms, enterprises or corporations, by advertisement or publicity campaigns, e.g. for the sale of a new brand of soap by a film star. In Political Science, however, we are not concerned with social opinion. Our field of study is political (public) pinion only.

Characteristics of Public Opinion:

We may now sum up main features of public opinion:

1. **Living issues of politics:**

Public opinion is always about living issues or politics in this country, which divide the people into various groups or parties with differing opinions. They deal with matters which are controversial or debatable in the society

2. **Non-identifiable group:**

For opinions to be 'public', it is not necessary for the people to be in face-to-face contact with each other. What is necessary is that they hold the same opinion, even though they do not know each other. The "opinion" is held by a collection of people linked by common opinions or desires.

3. **Widely-held opinions:**

As we have said above, public opinion is not necessarily majority opinion or unanimous opinion. Minority opinion may carry more weight, if it is expressed effectively at times when the rest of the people are divided or apathetic towards the specific issue in question.

4. **Pooling of differing opinions:**

Arithmetic of public opinion is very strange. It is not the sum-total of all the opinions. Some people are indifferent and apathetic to political issues and have no opinion. Others hold widely different opinions, some hold opinions more firmly and continuously, while others not so. But no opinion is held the same permanently. We do not hold opinions on very issue. Indeed, there are as many "publics" as there are opinions. But out of this welter of opinions may emerge a public opinion on an issue which affect or particularly interest the people.

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5. Intensity of opinions:

The question is: Which of the differing opinions emerge to become the public opinion? It depends upon the intensity of the opinions held by various groups or "publics". If a group of people holds opinion more intensely and strongly than another group, it will become public opinion, even though it may be a smaller group than the other. Public opinion is the opinion of the dominant group in the society, whether it is due to wealth, education, official position, prestige or influence. Generally, more weight is given to express opinions than to *unexpressed ones.*

6. Informed opinion:

Generally more attention is given to informed rather than uninformed opinion. This is the reason why the views of the elite group or groups influence and form public opinion more effectively than those of the common people. It is due to their particular abilities, education, organisation and experience.

7. Continuity and Change in Public Opinion:

Public opinion may change from time to time, or may remain the same. More often than not, public opinion tends to persist over time. But conditions may arise in which it may change. The elements of persistence, continuity and stability of public opinion or of its change and transformation are religion, ideology, nationalism, racialism, as well as modernity, rationality, secularism, science and technology, education, industrial development, national interests, and individual's character and personality. On the whole, religion, ideology, nationalism, and racialism tend to make public opinion more stable and persistent, while modernity, rationality, secularism, science and technology, industrial development, urbanization and education tend to change it. If the change factors are more influential or dominant in the society, public opinion/will tend to change rapidly and continuously. But if the stability and continuity factors are more dominant, it will remain the same.

Dynamics of Public Opinion.

Public Opinion is not a grand total of the opinions, views and beliefs etc., of all the individuals. This is impossible, "It is", as Professor Soltau writes, "usually the adoption by the greater part of the population of a point of view, of a policy, ideal or prejudice, put forward by some interested persons or groups, using the various methods of dissemination or propaganda at their disposal—press, books, public meeting, radio, advertising and especially communication from person to person. Usually, Public Opinion begins as the opinion of a minority or a small group of persons. It issues vaguely, hesitatingly, imperceptibly it is opposed by the rival opinions of several other minority group opinions. At first, the majority of the population are indifferent to the conflicting opinions of the minority groups, for few people .are really interested in politics and in matters of common concern. So there is at first not one public opinion but several public opinions, each struggling to win the majority of the nation to its own way of thinking. When most people accept one of the several competing minority opinions, it becomes the public opinion or majority opinion, unanimity not being of this world. "Some currents of opinions or sentiments", writes Lord Bryce, "develop more strength than others, because they have behind them larger numbers or more intensity of conviction; and when one is evidently the strongest, it begins to be called public Opinion *par excellence* being taken to embody the views supposed to be held by the bulk of the people," Thus arises Public Opinion not as a simple arithmetical addition of myriads of individual opinions in a nation but as a result of many social and political forces of propaganda and pressure, which seek to win the majority, of the people and influence the policies of the government. This is the way how popular government is possible, that is, government by public discussion and consent. It is only then that the general will arises.

How is Public Opinion formed?

According to Lord Bryce, three classes of persons have to do with the making of public opinion. They may be described as the thinkers, propagators and the mass of people.

(1) Public Leaders and Thinkers.

They are the men who seriously occupy themselves with public affairs and devote their lives mostly, if not wholly, to the study and solution of public affairs and national problems. They are either professional politicians, legislators, journalists or are otherwise actively engaged in politics, or are private citizens who care enough for their duty as citizens to give constant attention to what passes in the political world. Their number is small which, is indeed, an exceedingly small percentage of the voting citizens. But their importance is great. It is they who make public opinion, as its thinkers and originators. They are public leaders. They know the facts. They think out, marshal and set forth, by word of mouth or pen, the arguments meant to influence the public. They use the press, platform and other agencies of public opinion to communicate their views and opinions to others. In modern democracies, in general, and in countries like the U.S.A., in particular, these makers of public opinion are the powerful organised interests, institutions, and corporations who manufacture public opinion like any other commodity. As there are various kinds of leaders and thinkers, there is a variety of different and opposite opinions.

(2) Propagators and Moulders of Public Opinion.

The second class consists of those who also take interest in politics. They read the daily newspapers and political literature; listen to public speeches and to the radio broadcasts and TV telecast, and give close and unremitting attention to public questions from day to day. They form judgment upon the facts and arguments presented to them. Their judgment corrects and modifies the views of the first class. Thus they become, though not the originators, but certainly the moulders and propagators of public opinion. Most of the persons of this class belong to a party, but they are generally not partisans. They are ready to listen to the views and opinions of other parties and consider fairly both sides of the question. Owing to their impartiality and non-partisan spirit, they become the real makers of public opinion. The worth and value of public opinion really depends upon the honesty, public spirit, impartiality, political intelligence and sound judgment of this class of persons. The number and quality of this class decides the quality and effectiveness of public opinion. What they think and feel is the opinion of the nation as a whole. It is Public Opinion at its best. To this class belong the members and workers of the various parties, the pressure groups, and the lesser interests and institutions in the nation, and all those who are interested in politics.

(3) Masses of People.

The third class includes all the remaining masses of people who are generally indifferent to public affairs, reading little and thinking less about them. So far as they have any opinion, they simply borrow or adopt it from the first two classes or from the place or social class to which they belong. Men of this type will now and then be attracted by the personality of a leader or fascinated by a movement. They will follow him or it, not because they understand his or its politics but because they like some of his or its qualities or because they are sentimentally attached to his personality or movement. This large group neither makes opinion as thinkers, nor helps to mould it as critics, but it swells its volume by its numbers. The actual size of this group varies from country to country, but it is everywhere very large. By far the largest majority of the people of a State belongs to this class. In a democracy, it is at least as large as the electorate.

Importance of Public Opinion in Modern States.

In modern States in general and in the democracies in particular, all power springs from the people. But the question is: How are the people to exercise its power? In the popular and representative governments, it is possible in two ways only, viz., by voting and by the expression of public opinion. Elections are no doubt indispensable for the working of a democratic popular government. But they must be preceded and prepared by the action of the public opinion. Moreover, in the intervals between two elections, it keeps the party-in-power in check, guides the government in the making of its policies, and restrains the party government from abusing its power and from becoming oppressive or tyrannical. When a ministry or legislature knows that the public opinion is opposed to their policy or plan ey will pause before adopting or enforcing it. They will give up unpopular lans or purposes. *Vox populi, vox Dei.* Public opinion is the pulse of the eople and a wise government must always keep its fingers on the pulse, if t is to remain popular and responsible to the people. Good and sound public pinion will support a government when it is on the right path and restrain nd criticise it when it is in the wrong. It is rightly said that alert and ntelligent public opinion is the first essential condition for the success of democracy. It is a watchdog of the government and administration. It has een aptly said that the true function of public opinion is to bring about a proper relation between the legal and the political sovereign. It thus makes ideal democracy a reality.

Public opinion may suffer from various drawbacks. In the nineteenth century liberal democrats usually believed that man was rational, interested in politics and capable of making logical decisions based on his needs. Moreover, it is believed that freedom to express ideas in open competition with others is the best means of correcting errors in bias. Though each party may plead its own cause, it is expected that the truth or the most practical answer will eventually emerge. In actual fact, however, people do not act rationally. Possibly, they fall an easy prey to the "hidden persuaders" of political-propaganda agencies, public relation firms, and of the advertisers. Opinions are often formed by family environment, cultural influences and experiences. Opinions of the individual are, as often as not, highly irrational. This is the reason why public opinion has been accused of being erratic, inconsistent and conservative. In backward countries and nations, public opinion is influenced, sometimes openly and at times not so openly, by foreign sources. This is done through propaganda, which is one of the most potent sources of influencing public opinion.

Dangers of Public Opinion.

If public opinion is ill-informed, unintelligent, prejudiced and misguided, it becomes a great threat to the strength, stability and unity of the democratic State. Then the watchdog of democracy becomes the mad dog of tyranny. Under a dictatorship, it becomes an instrument of violence and intimidation. The dictator bans all parties except his own; he controls all the agencies of public opinion and propaganda, while the people are denied the rights and freedoms of speech, press, association and public meeting. He indoctrinates the public mind and thus manufactures public opinion in his own favour. When public opinion is made and influenced by ignorance, prejudice, parochialism, and petty hatreds, class antagonism, and vested interests, it ceases to be public. Then the voice of the people is no longer the voice of God, but becomes the voice Satan. Another source of polluting the spring of public opinion are the frustrations, maladjustments and such other mental and moral aberrations of the otherwise normal individuals. They prevent them from thinking and reacting rationally and properly to the public problems and issues, especially in times of storms and strains of modern life and in the national emergencies and crises.

Conditions of Sound Public Opinion.

Both the importance and dangers of public opinion in the modern State make it necessary for us to consider the conditions which are essential for the creation of a sound, wise and intelligent public opinion. They are as follows:

1. **Education.** In the making of a sound and intelligent public opinion, education of the citizens comes first. "The education of the citizens" writes Laski, "is the heart of the modern State" The citizens must be properly educated if they are to play their part well in the life of the community. An educated person is constructive, critical and interested in public affairs. An illiterate person is mostly guided by his blind passions or sentiments or is duped by demagogues and the like. But education should be free from such vices as prejudice, fanaticism, intolerance, obscurantism, etc. It must not be dominated by Church or religion and such other vested interests.

2. **Free Press.** Education takes a long time to influence public opinion, that is, when the boys, girls and the youth have passed through the schools and colleges. But the public opinion is directly and immediately made and influenced by the press. Yet it is only free press that forms it on a sound and proper basis. Negatively speaking, a free press is one which is not controlled or subsidised by men of wealth, vested interests, or communal bodies, or by the government. Positively speaking, it means one which gives the public honest, impartial, free and untarnished news, views and reviews or information and is also free to criticise the news, views and reviews or information supplied by any other agency, private or governmental. When all arguments are voiced and criticised before the people, they will know how to choose the sound and reject the unsound ones. Thus the free press will help in the formation and expression of a sound public opinion.

3. **Free Discussion.** Public opinion is the opinion of the public. But before the public can form an opinion, it must have the freedom of discussing the pros and cons of problem. Public discussion requires freedom of thought, opinion, speech, association, assembly and of other means of communication by press, and post, wire and wireless. Discussion and expression of opinion may be face-to-face or through the press and postal correspondence of through the medium of electric wires or radio-waves or of television. By free discussion and expression the people communicate their wishes and opinions to the seat of governmental authority and also expose errors, correct mistakes and guide the policy of public bodies and administration.

4. **Social Harmony.** The citizens of a State must not be divided by irreconcilable differences of religion, culture or of commercial and ethnic loyalties. Where barriers of caste, creed, colour or class divide a people into different strata or compartments, there can be no "public" in the proper sense of the word. In order to be a public, a population must possess community of interests and unity of tradition and outlook and must also agree on certain fundamental political doctrines. There should be a common way of life. There should be unity in diversity in their national life.

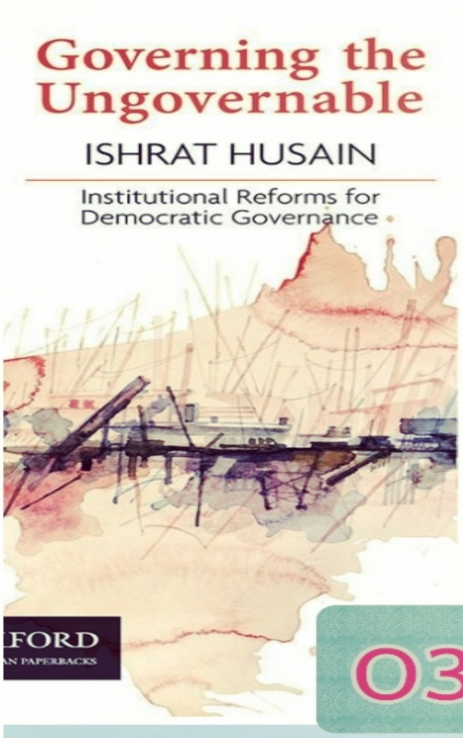
5. **Economic Security.** All the people in a State should enjoy a decent standard of life. They should have economic security by having a decent source of income. A nation divided into too rich and too poor classes cannot form a sound public opinion, for the poor classes will be exploited and controlled by the richer ones. They will have no means of expressing their opinion. A starving man has no opinion of his own.

Hindrances in the way or Sound Public Opinion.

We may now briefly describe those factors which hinder the growth of sound public opinion. They are, firstly, illiteracy or lack of education. An illiterate person does not possess sufficient information and knowledge to understand the problems of his State or take interest in public affairs. He is ignorant and apathetic, while his mind is filled with prejudices, narrow sympathies and sentiments. Hence he lacks a sound opinion of his own. Secondly, economic inequality is another great hindrance to the formation of sound public opinion; a poor man has no time or leisure to devote his thoughts to public matters. Thirdly, deep-seated religious and sectarian differences are great obstacles to the formation of a proper and sound public opinion. Fourthly, dishonest press which provides false and mischievous information pollutes the spring of public opinion at its very source. The press should not be used to deceive the public or to further the interests of any selfish group. Fifthly, the unwillingness of minorities to acquiesce in the majority rule will obstruct the proper expression of public opinion. Sixthly, presence of selfish leaders and unscrupulous pressure groups, devoted to the vested interests of the wealthier classes, will mislead the people and prevent the formation of sound public opinion.

How to ascertain Public Opinion.

One can ascertain public opinion by: (1) reading newspapers, (2) hearing public speeches, (3) scrutinising election results, (4) studying the programmes and plans of political parties, (5) conversing with friends, neighbours and other people about public affairs, (6) and by mixing with the people in general to hear their views and reactions to political events and problems. As Lord Bryce says, public opinion can be ascertained "by moving freely about among all sorts and conditions of men and noting how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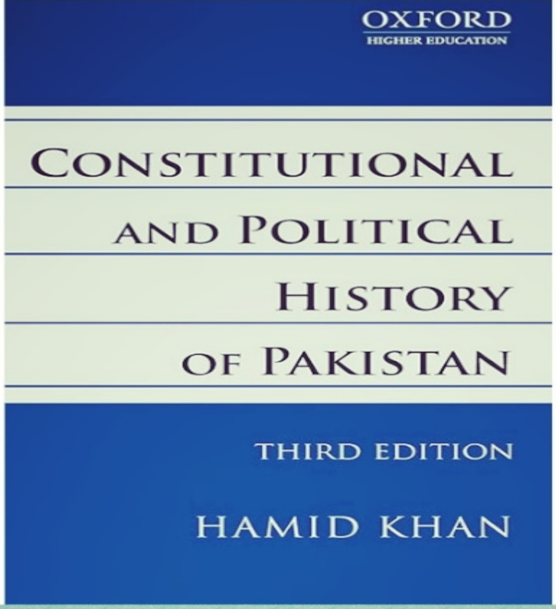
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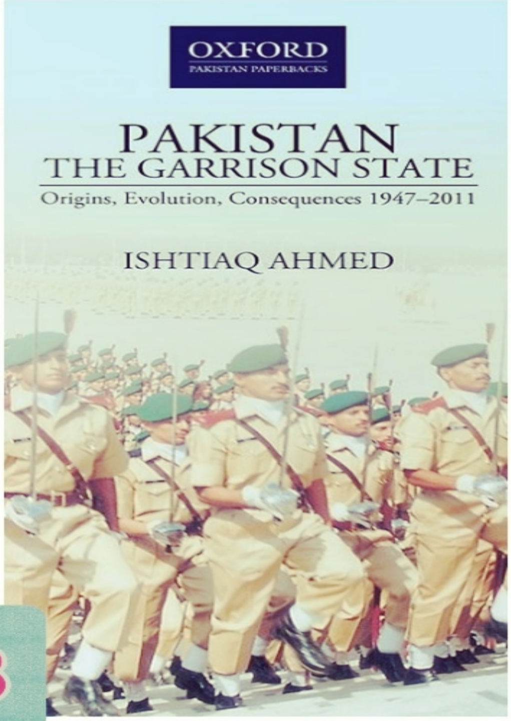
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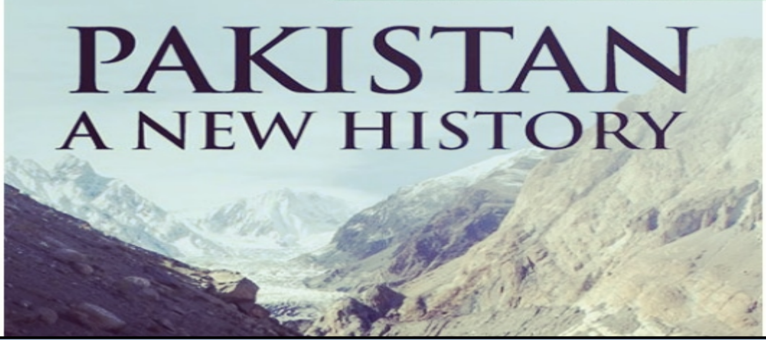
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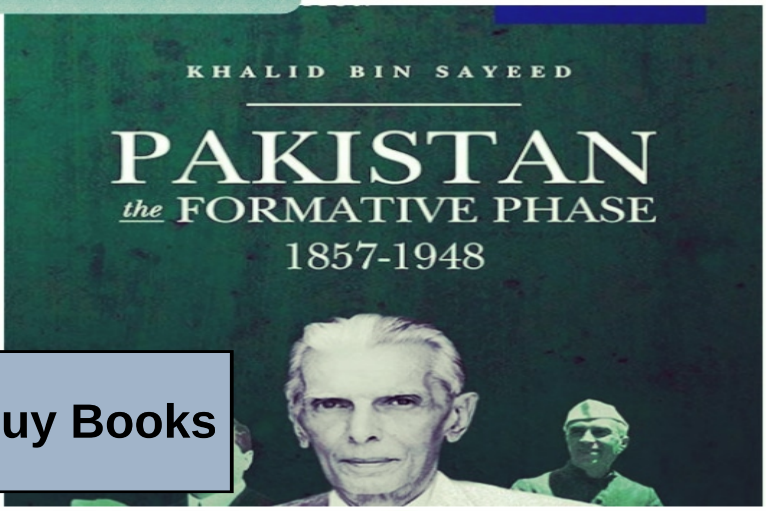
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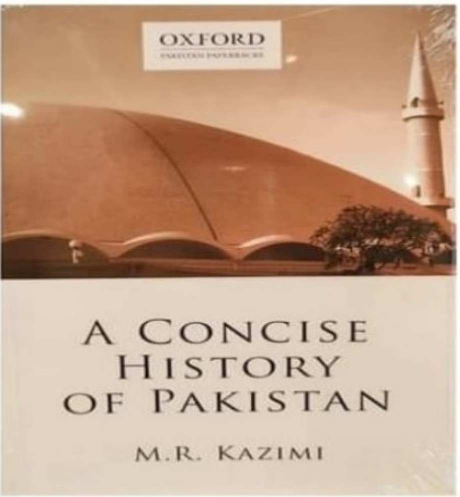
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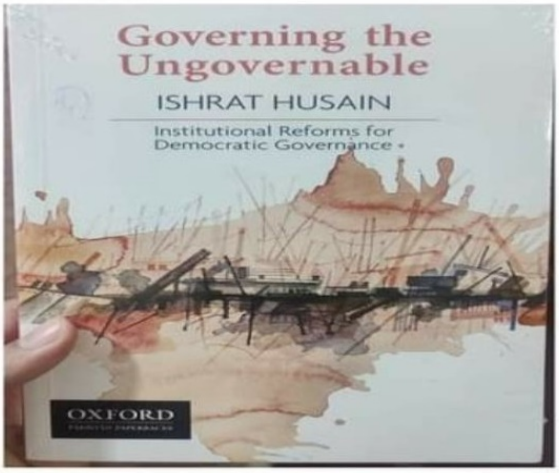
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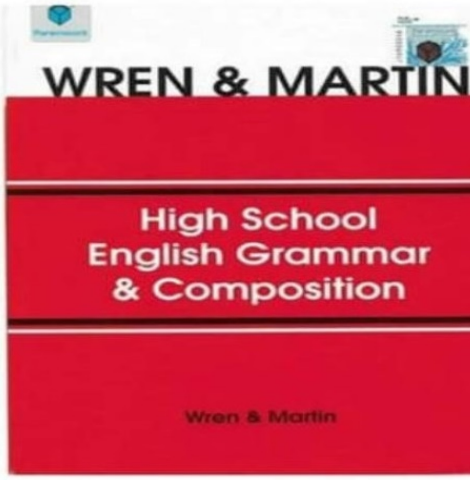
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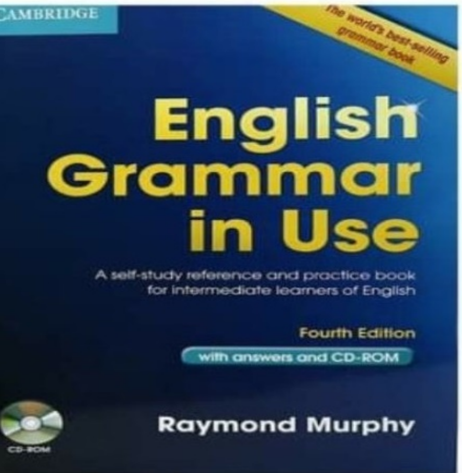
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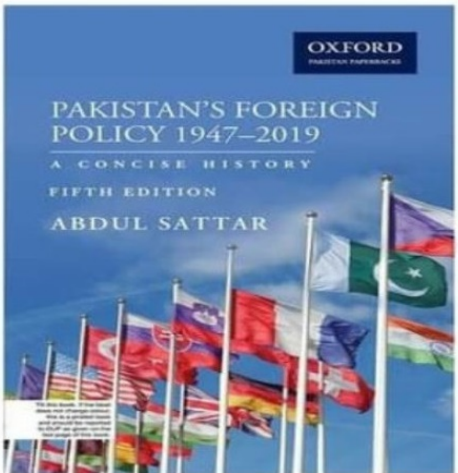
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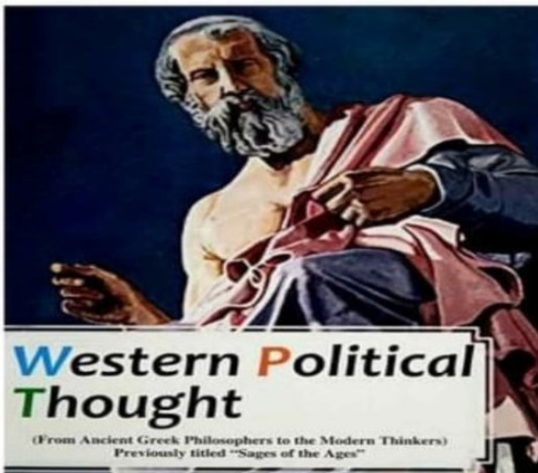
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Previously titled "Sages of the Ages"

they are affected by the news or the arguments brought to their knowledge from day to day."

The Making of Public Opinion in Democracy and Dictatorship:

The actual process of the formation of public opinion depends upon the constitutional and political structure of a State, whether it is democratic or dictatorial.

In a democracy the process of opinion formation is highly complex. It begins at different levels of intellectual and political life when it is confronted with various kinds of living issues and problems with which the country is faced both of the internal and of international nature. The general public is more often than not uninterested in them, excepting those which are of interest to the people in one way or the other. It is the political leaders of the parties, their supporters, collaborators and other leading members who are interested or involved in them. But they are always divided into two or more parties and leaders, who take differing views of the political issues and problems. There are also various interests or pressure groups, who have, however, vested interests in solving the issues and problems in their own way. Their aim is not public discussion of them but to put pressure on the government or lesser authorities and also on the various political parties and leaders to accept their interests or solutions as national interests by these political decision and policy makers. The various political panics and leaders are opinion-makers directly or indirectly and their supporters, collaborators and other leading members are transmitters and communicators of the opinions and policies adopted by their leaders. All the political parties and their leaders, whether supported by interest or pressure groups or not, go to the people in their millions and offer them their views and solutions of the political issues and problems and their policies. They arouse the popular interest in them, form their opinions on them and seek their support for their solutions and policies in order to win their votes at the time of elections. In this whole process, which lasts for years, decades and generations, especially in between two elections, the various party leaders, their supporters, collaborators and their party members and sympathisers communicate their party views on national and international matters to the people through their party and other newspapers, magazines, make speeches on public platform, and talks on radio and television, or through books, booklets, posters, and by all other means and methods of private and public communication and propaganda.

In all these activities, the political leaders, politicians, party members and other publicists are really communicators of opinions of the various kinds of publics or points of view. Very few of them are originators of these opinions. They really begin with views, theories, philosophies and writings of the intellectual classes or intelligentsia who are interested in politics directly or indirectly, such as philosophers, thinkers, writers, lawyers, jurists, professors of social, biological and natural sciences, especially of Political Science and of its various divisions and sub-fields, as well as the views, comments, reviews and discussions of the editors, commentators, correspondents, article-writers, reviewers and others of the various newspapers, magazines and general and specialist journals. The political leaders and leading workers of the political parties, the politicians and all other political activists of various parties adopt these views, theories, philosophies, and points of view which are acceptable to their political parties and their party platform, while other leaders and parties adopt the opposite theories, philosophies, views and points of view. There may, of course, be some creative political leaders or activists who may present a new or more original solution or views or theories or adoptions of the views and theories and philosophies of the academic and non-academic thinkers, writers and philosophers. Most of the political leaders are, however, not originators but adopters and communicators of the views and theories and philosophies of the intellectual classes, both within and outside the colleges and universities. But being practitioners of politics, they are better communicators than the political thinkers, philosophers or writers, including the journalists and editors, although they are much nearer the practical politics than are the academic writers, thinkers and professors.

These are the multifarious sources of political thought, views and theories and philosophies, when adopted by the political leaders, activists and parties, which influence the people or the various publics into which the people are divided. They thus become opinion-leaders and opinion-makers, but of as many colours and hues as there are parties and leaders active in politics. Now all this is possible in a democracy. It is because civil liberties and fundamental rights are granted to the leaders and to the general public. There is ebb and tide in the politics of a democracy, which corresponds to the holding of general elections. After an election, public opinion is usually dispersed and diverse, for there are as many opinions as there are groups of opinion-holders on an issue confronting the country and therefore as many publics. But when the government and opposition parties begin to propagate their opinions, the various opinions begin to coalesce; diversity begins to decrease and more and more crystallise onto two or more focal points. At last, near the general elections, a majority or dominant public opinion emerges under the leadership of the government or the opposition party. At this time, the public opinion is at its peak, formed around the victorious party, whether the old ruling or new one. It is in this way that democracy becomes a government by public opinion. After the elections, public opinion disperses again into several opinions and publics till the time of the next elections.

Nothing reveals the difference between democracy and dictatorship more than the way public opinion is formed and carries weight in them. The very first thing a dictator does is to deprive the people of all the means and sources of forming public opinion in an independent and autonomous manner. All parties are banned, their leaders arrested and jailed or otherwise silenced or driven out of the country. Only the dictator's party remains in country if there is one at all. In Pakistan, for instance, the military dictators did not have even their own party. Similarly, no writer, thinker or philosopher is allowed to write or say anything. All newspapers, magazines and the like are closed: only the dictator's own newspaper or newspapers, etc., are available to the people. Radio, television and all other means of communication, information and propaganda are under his control. No citizen is allowed to form any association, publish any newspaper or magazine, or hold public meetings. People are also denied all civil liberties and even fundamental rights. The dictator is himself the opinion—maker. What he says or does is public opinion. No elections are held. If any one is at all held, it is rigidly controlled by the dictator. He or his party puts up candidates. The people have no choice but to cast vote in favour of the government nominees. Thus the elections also are instruments of expression of the dictator's opinion, and policies. The people have no voice in making of the government policies.

AGENCIES INFLUENCING PUBLIC OPINION

Agencies for the formation and expression of public opinion:

In recent years, much attention has been paid to the study of the methods and means of influencing public mind, both in politics and in business. The agencies moulding and expressing public opinion are the following:

1. Family and other primary groups.

Family and other groups of immediate relationship, such as friendly or neighbourhood groups, and occupation groups are the first and very powerful influences in helping to form an individual opinions and ideas. These influences constitute his or her personal experience, which may last all his or her life.

2. Educational Institutions.

Educational Institutions, like schools, colleges, universities, debating societies and the like are also some of the oldest means of forming public opinion. Education is no doubt a slow-moving process: it takes nearly twenty years to educate a boy or a girl, but its effects are lasting and lifelong. The views and attitudes formed by the instruction and knowledge imparted in schools and colleges, last as long as one lives. As the educated people are the elite of the nation and its intellectual leaders, their views and opinions become the opinion of the nation. They make and express public opinion as its originators, critics and moulders. Almost all the leaders of public mind come from the educated sections of the nation, the intelligentsia, as they are called. A good educational system makes the citizens intelligent and enlightened, patriotic and freedom-loving.

3. **Radio, Television and Cinema.**

The most modern and in some respects the most effective methods of forming, influencing and expressing public opinion are the radio, the cinema and now also, in many countries, the television. While the newspapers can be read by the educated only and the public speeches can be heard by those who are actually present at the meeting, the radio and the television can reach millions in their homes and hearths in the remotest corners of the country and even beyond. The cinema also reaches not only the millions but impresses them most effectively, for man is really a picture-thinking animal: and he believes what he sees. The television combines the merits of the radio and the cinema; it is really a telecast cinema and has proved itself as the most effective instrument of popular education and propaganda. In fact, the modern art of mass propaganda and of manufacturing public opinion has become possible with the invention and use of these three agencies. Radio and television provide a great variety of information and knowledge. News are broadcast; radio and TV talks are given by experts in their own fields; feature programmes, dramas, music and other items of entertainment are presented to the listeners for their recreation and enjoyment; and learned discussions and speeches are made by scholars and writers on philosophy, science, politics, economics, arts and literature. Thus the radio and TV are both a source of education and recreation, knowledge and entertainment, information and publicity. They are also a link between the rulers and the ruled, for the Statesmen and government leaders can directly talk to the people over the radio or television. The dictators make speeches on the air and the rulers of the democratic States give fire-side chats' to the radio-listeners. Radio and TV have one shortcoming: these are usually the monopoly of the government and in a dictatorship, are exclusively employed for the propaganda of the party in power. The cinema is also a source of entertainment and enlightenment. But it has also its dangers. Cheap, sexy, crime—filled and horror-creating films, mostly of American on Indian origin, are morally depraved and socially dangerous. These corrupt the youth, befog the minds of the grown-ups and titillate the baser instincts and impulses of all the picture-goers. The incidence of crime increases in direct proportion to the increase in their shows. Nevertheless, if the cinema is properly used, it can be a source of both pleasure and enlightenment. It can help a lot in the formation of a healthy public opinion.

4. **The Press.**

It is one of the most important agencies for influencing and expressing public opinion, especially the newspapers and, to a lesser extent, the periodicals and books. Newspapers influence public opinion by their editorials, their news and the method of presenting them, and by their views and comments on the news. Newspapers can easily mislead public opinion simply by suppressing or omitting certain kinds of news and by emphasising others or by presenting the facts in a distorted and unfair manner. Some newspapers endeavour to incite the baser elements and pander to the baser instincts of human nature by sensational and hate-rousing news and comments. They are called the "yellow press", which' is a blot on our civilisation. Press must be honest, impartial and accurate. Above all the press must be free; it must not be a monopoly of the vested interests, or of the government. What we have said about the newspapers is still truer of the news agencies, since these are the primary sources of the news. If they distort or suppress news at the very source, opinion will be inevitably misled.

5. Public Speeches or Platform.

Platform or public speeches are another method of making and expressing public opinion. While the press is a modern device, the platform is the most ancient. It was practised by the ancient Greeks and Romans. Like conversation and canvassing, it is a method of face-to-face or personal propaganda. In this respect, it is far more effective than the other agencies of indirect contact, like the press or the radio broadcasts. Unlike the press, but like radio broadcasts, it reaches the uneducated as well. Spoken words have greater effect on the listeners than the printed words on the readers. But it has its limitations. It is effective only as far as the voice of a speaker can reach, which, of course, is not very far. Moreover, the effect and value of a speech depends upon the personality, ability and oratory of the speaker. Lastly, public opinion can be properly formed by public speeches only when the country enjoys the freedom of speech and association. Without these freedoms various parties and citizens cannot express their views and criticise those of their opponents and thus enlighten the public about the problems of the country and of the mistakes and shortcomings of the party-in-power.

6. Political Parties.

Political parties play the most important role in the formation and expression of the public opinion. Indeed, a popular government is inconceivable without them. They acquaint the people with all important questions and problems facing the country. They create public interest in all important matters of the day and thus shape the views of the people. They conduct election campaigns and put up candidates to win the elections. Above all, they organise public opinion, which is their most important function.

Legislature.

The legislature in the modern democratic State expresses and oulds public opinion by its debates and discussions. Every legislative ody has an opposition party or parties. Both the government and pposition parties express their views and opinions on the floor of the house hich are reported in the daily press. The public outside takes interest in hese debates and are influenced by these views and opinions. Thus rliamentary debates become a source of expressing and moulding public pinion.

Government and Public Opinion.

Governments also play an important role in determining public pinion. Here lies the real difference between the democratic and autocratic r dictatorial governments. While the dictator controls public opinion, the emocratic government guides it. The dictator shapes public opinion, while e democrat shares it with the public. In the last analysis, public opinion annot be controlled, but the dictator or autocrat tries to do so as far as ossible. In the democracy, on the contrary, government has to share with e public in the making of public opinion, which it does in two ways:

(a) **By guiding and educating the public:**
Plato said, 'To rule is to educate". Democratic government does so by guiding the public in matters of public or national importance and by educating public opinion by furnishing the people with necessary information and facts regarding them.

(b) **By securing public support for its policies:**
Democratic government tries to secure the support of the public by putting before it relevant facts about its policies and by suggesting means and methods to realise them. Press conferences, television interviews, public speeches and press releases are some of the means by which the government explains its policies to the public and thus influence its opinion. If a government fails to do so, it is likely to be defeated at the next elections.

uantitative Measurement of Public Opinion or Opinion Polls:

All modern governments seek to measure public opinion. Purposes re several. The main purpose is to enable the governments to formulate eir domestic and foreign policies on the issue confronting them or their ountries in the light of the opinion polls results. It is particularly true of emocratic governments. They should measure public opinion in advance f elections lest they should suffer defeat at the elections. The non-emocratic governments also do so for the purpose of controlling or uiding' public opinion. In democratic countries even political parties and leaders measure public opinion in order to anticipate the results of the ne elections. Moreover, both in democracy and dictatorship, their enemies opponents, especially foreign governments and parties carefully stud public opinion polls with a view to judge and influence the chances likelihood of opposition, revolt or revolution in the target State Furthermore, newspapers, magazines, pressure or interest groups an academicians like the professors of Political Science, statisticians researcher.[1], and propagandists of all colour and hue try to measure publi opinion in their own and foreign countries. Lastly, commercial firms corporations, banks and marketing societies and associations also study an measure public opinion for marketing their goods, to judge consumer preferences and for other commercial purposes.

Philosophy of Opinion Polls:

Public opinion is formed of individual opinions which differ from individual to individual. We can measure public opinion by counting the individuals holding different opinions. Estimation has to be made of the *number of opinions* which are held on the issue under study, the *number of people* supporting each view, and the *extent of influence* or the *intensity of the opinions* of these people. By intensity is meant the extent to which the opinion-holders might be ready to back up their opinions by resorting to effective action or pressure on the government, such as by resorting to some sort of protest, when their opinions are neglected, which may range from strikes, protest meeting, processions, to revolt and revolution, to press their views if disregarded by the government or the men in power. We may take a normal example of a community in which people hold different opinions; some are conservatives, others liberals and still others socialists. We can measure the strength of the three types of opinions by counting them by means of an opinion poll. It will show us that the number of conservative opinion-holders is, say, about 20%, that of the socialist opinion-holders 50%, and of the liberal opinion-holders is 30%-. Now, by measuring the proportion of various opinion-holders we will know beforehand the voting behaviour of these people at the time of election, if it is contested by three parties. Thus opinion surveys enable us to forecast election results in advance. However, in one-party elections, as under a dictator or autocrat, including even the so-called partyless elections, there is no need for opinion polls, for election results are a foregone conclusion: the dictator will always get, say 99% votes.

Methods of Measuring Public Opinion:

Since about 1930, opinion polls have been conducted in various ways. Ideally, the best method is to count the different views of the whole people altogether. But it is impracticable, for it is too costly in money and time.[55] The usual method is to collect the views of a selected number of persons, which is called a *sample,* while the people or population from which the sample is chosen is called *'universe"*. For reasons of accuracy of the opinion polls, the sample is so chosen that it is representative of or proportionate to the views of the various groups and parties among the opinion-holders or citizens, called *respondents* or *interviewers*. The views are obtained from the replies or responses of the respondents by the *interviewers* according to the questions, the list of which, called *questionnaire,* is already prepared by the organisers of the public polls, called *pollsters*. The views thus collected are known as *opinion data,* or *simply data*. Inferences are drawn from the data by the pollsters regarding the distribution of opinions among the people, the "universe", and forecasts are made about the probable results of the coming elections and, therefore, about the success or defeat of the various leaders and parties in the elections. This whole process of collecting views or opinion data and of drawing inference and making forecasts about future trends in the coming elections is called *opinion polls or public opinion surveys.*

Time methods:

There are old and new methods of undertaking opinion polls, which are divided into three kinds: accidental sampling, quota sampling and random sampling.

We shall first give a few examples of accidental method of opinion polls. This method was first used by newspapers, magazines or radio broadcasters to obtain information on such questions as how many people read a given newspaper or magazine or listen to the radio. It was also employed by market researchers to find out what are the likes and dislikes of the people or buyers about various consumer goods. For this purpose, ballots are printed in newspapers or magazines, which could be clipped and returned to the poll researchers. This method is still used by newspapers in Pakistan to assess the views of the people on some issues, either public or concerning the newspapers in question. Ballots can also be left in shops and stores, from where they are collected by the pollsters. Yet another interesting method was to collect the opinions of the crowds on the roads, bus-stands or in the railway trains at certain hours of the day. The people in these places were *interviewed,* that is, question asked, and their opinions duly recorded by the *interviewers.*

Postal Polls:

More frequently, the ballots are sent to certain selected persons whose addresses have been found from telephone directories or from electoral registers of voters. The replies or responses of the *respondents* are then assessed to estimate public opinion. A well-known example is that of the American Literary Digest, which conducted postal polls for a long time in America from about 1916 till this method met a disastrous result in the 1936 American Presidential elections. It despatched about ten million ballots by mail to the selected people and received about two and half million responses on the basis of which it predicted the victory of London, one of the Presidential Candidates. Instead, Franklin Roosevelt, another candidate, won the election by about twenty percent lead, predicted by another researcher, called Gallop poll. The Gallop poll used a new method, known as quota sampling. The real defect of the Literary Digest was that its method of choosing sample was not representative, as was done by the Gallop Poll.

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[55] **It may be possible in some future lime when electronic devices and computer technology are so developed that the whole people may press electronic buttons and the result may be shown or recorded on a display board.**

Quota Sampling:

This method was used before 1950 in estimating opinion polls. The quota sample means the fixed number of people, who are usually chosen from electoral registers. Care is taken to choose them in such a way as to be representative of the people according to their class, age, sex, etc., proportionately to the whole population or electorate. For instance, the interviewers selected every tenth house in the streets of the area to be surveyed. This method was used by the Gallop poll in the 1936 presidential elections, in which it correctly predicted President Roosevelt's success.

Random sampling:

It is a more recent method of choosing a sample. It is done in such a way that theoretically every individual has an equal chance of being selected. This method may be compared to a big box in which the ballot papers of the whole electorate are put and thoroughly shaken and then, say, 2000 of them are taken out at random to assess public opinion. The best technique is to take names and addresses from the electoral register randomly by mechanical or numerical technique, to which the interviewers put the questions already prepared. These interviews may be repeated several times so as to assess over time the views of the interviews or respondents more properly and realistically. In recent times, telephone interviews are also undertaken. They prove to be quicker and cheaper than the usual face-to-face interviews of the people, with the interviewers going personally to the houses of the people, usually in the evening when all members of the family are present at home.

Drawbacks of Opinion Polls:

Although they try to make opinion polls by the quota or random sampling to be as representative of the public opinion as possible, yet they may suffer from some drawbacks. Firstly, it is not necessary that people may actually vote according to the opinion they have expressed to the interviewers. The opinion of an individual may change at the time of casting his or her vote in the elections from what he or she' has told the interviewers. Secondly, the answers given to the interviewers provide no clear guide about the intensity of the opinions held. These defects can however, bc remedied by undertaking repeated interviews and by preparing the samples carefully.

Methods of influencing Public Opinion. We have considered several agencies and forces which form and express public opinion. Each one of these agencies employs methods of influencing it. Two of these methods are propaganda and pressure groups. We shall discuss them in the next chapters.

Chapter 35

Pressure Groups

Pressure groups have existed in all States and in all ages. But only in modern times they have become numerous and important in both democracies and dictatorships. In democracies, they work openly, while in dictatorships not so openly. "Groups are devices by which the individual fulfils personal value and felt needs." We shall first enumerate different types of pressure groups and then discuss their methods of working and exercising influence, and lastly their effects on the politics of their countries.

Pressure Group:

A pressure group may be defined as a group of individuals organised for promoting their special economic or some other interest by influencing the government or a public officer. The means used by pressure groups to apply pressure or influence on the government, legislators, administrators, political parties are agitation, persuasion, 'political sniping' public opinion-mongering or even bribery.

Pressure groups of various kinds. Most of them are organised for the protection or promotion of economic interests e.g. of trade unions or trade and industry chambers; some are for educational, social and religious purposes or reform. They are all interest groups. A few of them are set up for promoting some humanitarian or philanthropic purposes, e.g. the CND (the Campaign for Nuclear Disarmament or the Greenpeace. Some pressure groups may consist of one or two individual while others are of large in size and numbers.

Interest Group:

A pressure group may also be called an interest group. An interest may be defined as "any conscious desire to have government policy, or the authoritative allocation of values, move in a particular general or specific direction." We may, therefore, define an interest group as one which is organised to promote interest by concerning itself with government policy. Mere sharing of common interest by a group does not make it an interest group: it must try to turn government policy in its direction and share in the political process. When an interest group uses pressure of any kind, it becomes a pressure group. The two terms are, indeed, interchangeable. The difference between the interest and pressure groups is of degree, not of kind: the former lays emphasis on an interest or cause, while the latter on pressure or influence.

Lobby:

A lobby is a pressure group which works in a legislature to influence the legislators to make laws in the interest of the group. Thus a lobby consisting of men who, knowing all about the inner workings of the legislature, use means, fair or foul, to induce the legislators to use public treasury in the interest of its members. In the U.S.A., every important sector of the national economy has its lobby in the Congress. Thus there are farmers' lobby, the labour lobby, the railroad lobby, school lobbies, etc., etc. There are even one-man lobbies for some humanitarian activity, such as a lobby- against sale of narcotics, etc. In fact, there are hundreds of lobbies in the U.S. Congress of various types.

Cause Group:

A cause group is a pressure or interest group which seeks to promote some cause not of direct benefit to its members but of general benefit for all, e.g. the CND or the Greenpeace or the American Civil Liberties Union.

A faction is a pressure group which works in a political party. They are all sons of pressure groups. They may be one-man group or they may consist of several or many members. They may be loosely organised or are well-knit organisations. They work for private or group, interests. "Pressure in itself, obviously, is neither good nor bad. One can influence the government to his own financial benefit; but one can also influence the government to relieve famine in India". These groups originate in the felt needs and or share sympathies of some individuals which are of such interest to them as to become organised to influence government or any public body. Examples of pressure groups are too many to be enumerated: Trade unions, chambers of commerce, manufacturers, and bankers associations, farm organisations, business and professional societies, religious reform and racial group organisations of women, of war veterans, of the aged, etc.

How do the pressure groups work?

The pressure groups put pressure at the following institutions in order to further their interests or causes: (a) the legislature, (b) political parties, (c) the executive or administrative organs of the government, (d) the public at election times, and (e) the public at other times. Methods used by pressure groups vary according to the institutional structure of the State (unitary or federal, etc.), the nature of the party system (centralised or decentralised) and the political culture.

Pressure groups may be exclusive or partial groups. A pressure group is exclusive if it is only concerned to act in the political field, to intervene with public authorities, e.g. the lobbies. A pressure group is a partial group if political pressure is only a part of its activities, while it has also other objects and means of action, e.g. a trade union, which is mainly concerned with the welfare of its members, and only acts politically in times of strikes, or the like.

Organization and working of the Pressure Groups.

The organization of each pressure group varies according to its interest, purpose and sphere of operation. Some consist of few members, while others of many. Some are well organised, while others are loosely so. But every pressure group tries to be well organised so as to influence the government and the public. It operates both openly as well as secretly and clandestinely. It endeavours to include in its public list of supporters and subscribers the names of as many public figures and prominent people as possible, both as members and as officers. Many of them are paid handsomely for associating with the group. The real work of the group is, however, done by a small number of paid officials and research workers, propagandists or lobby men and paid agents. They bring pressure or influence on the law-makers and government officials and bodies. The pressure may take the form of a friendly talk, a reasoned discussion, or threats of party action or failure in re-election or rewards and bribery, such as securing employment in the business concern of the group. The group also conducts campaigns of propaganda or education in order to manufacture public opinion. For this purpose, it collects as much of knowledge and information as possible by social survey, research work, etc. Letters, telegrams, and such other methods are used to impress upon the government that the public opinion is eager for something, which is of course the particular interest which the group seeks to promote. The pressure groups use the newspapers, radio, and television. They present petitions and pass resolutions at mass meetings. They send letters and telegrams to public officials, visit their offices and use every known method to publicise their programmes. They provide them with sufficient funds. Thus many governmental policies and laws in America are adopted by the Federal and State and local governments under the influence and pressure of these interest and pressure groups.

Nature of Pressure Polities.

Pressure in politics means an influence directed towards the attainment of certain ends which are limited and specific is not public or general. Pressure politics, therefore, is a skilful method of influencing the government by organised groups for the attainment of their special and limited interests and programmes. Methods employed may be open or secret, through public action or friendly and private contacts by the lobbyists. The aims, objectives and programmes of a pressure group are, however, not adopted by the votes of its members or of the public, but are decided upon by its officials and promoters. Everything is decided behind the screen, in great secrecy. Having adopted its programme, the group presents its proposals to the government in such a way as if they are for the good of all the people or the whole country. It always rationalizes its own interests to make them appear advantageous to the entire nation. It thus disguises its special interest under the garb of national interests. For example, in U.S.A., a protective tariff is pictured as a measure for developing infant industries and maintaining the American standard of life against the competition of the underpaid foreign labour. At the same lime, it manufactures 'public opinion' and then insists that the officers of the government or law-makers must always obey the 'public opinion', which is, of course, largely created by the pressure group itself

Functions of the Pressure Groups:

Although political thinkers like Rousseau, Hegel, Green, and others are critical of the role of pressure groups in the State as divisive and particularistic, they perform important functions in the modern democracies.

Firstly, they provide information of a specialised and technical nature to the government, and administrators, which enable them to make laws and enforce them, or make policies and implement them. For this purpose, the representatives of the pressure groups appear before the legislative committees or administrators and their professional staff provide vital information to the legislature, or to the administrators.

Secondly, they act as intermediaries between the people and the government. They transmit and communicate ideas from the people to the government. They enable the people to participate in the activities of the government. They enable the government to ascertain the reactions of the people to the government policies. In between two elections they act as watchdogs over public policy and administration, at the time when the people can exercise little or no influence on the government. In this respect, pressure groups are more effective than the political parties.

Thirdly, they act as a check on political extremism. One group may demand one type of policy from the government, while another may oppose it.

Fourthly, the minority parties and communities, and such other small groups can influence government through their pressure or interest groups.

Pressure groups and government:

In the modern advanced countries, the pressure groups play an important role in the working of the government. As a matter of fact, some of the government activities are delegated to them. We shall give here below two examples of doing so.

(i) **Consultation:** In many States, it is now an accepted principle that recognised interests should be consulted both in the making of the laws and implementation of the laws. For instance, in Great Britain, the Agricultural Acts of 1947 and 1957 have made consultation a statutory duty. The pressure groups also participate in economic planning and policy making. In Britain, the views of the Cotton Board, an interest group, have been accepted by the Government as being the views of the textile industry. The government thus avoids the awkward task of arbitrating between conflicting interests of the textile industry.

(ii) **Joint co-operation:** The pressure groups also co-operate with the government in implementing various policies. In Britain, for instance, the Trade Union Congress, a labour organisation, work together with the representatives of the management in the National Economic Development Council and on the Economic Development Committee established in various industries in 1964. There are also various joint advisory committees. In France also, the Commissariat du plan is staffed by experts, but representatives of the business firms and trade unions work with the government officials on various modernisation commissions.

Forms of Pressure:

It will be interesting to mention the various ways the pressure groups bring pressure on the government. Some of them are as under:

(a) Refusal of Co-operation with the government: Business groups may refuse to co-operate or to continue rendering assistance and advice to a government department. This technique was applied by the iron and steel industry in Great Britain against the nationalisation policy of the British Labour Party just after the World War II.

(b) Strike: Strikes are often resorted to by labour and professional associations consisting of members of the same trade, profession or enterprise for purposes of wage increase, etc.

(c) Electioneering: Pressure groups participate in elections by supporting candidates favourable to their interests.

(d) National publicity campaigns: Pressure groups often undertake nation-wide publicity campaigns in order to cultivate a favourable climate of opinion among the people for their aims and thereby bring pressure on the government. These campaigns may be organised by public relations firms, which specialise in public relationing. Moreover, public meetings are held to oppose a governmental policy.

(e) Formation of a political party: In multiple party countries, the pressure groups may form political parties of their own in order to put pressure on the government. This technique cannot be easily employed in the countries which have only two-party system.

Effectiveness or the pressure groups:

The success or failure of the pressure groups in influencing the legislative and other policies and activities of the government depend upon the following factors:

(i) **Size:** First of all, large pressure groups are usually more successful in their purposes, for they possess greater financial resources. But too large groups fail in their programmes, for they may lack cohesiveness and be unable to utilise their potential of larger resources.

(ii) **Unity:** Another guarantee of success is the unity among the members of a pressure group: The greater the unity, the more a pressure group will be successful in its programmes. It means that its members should devote themselves loyally and wholeheartedly to its programmes. But as they are members of other groups also, they may not have time and energy to do so. This is particularly the case with very large groups: hence their large size becomes a source of weakness.

(iii) **Leadership:** Leadership is an essential factor in the success or failure of a pressure group. It provides energy and enterprise which will make the group successful or destroy it.

(iv) **Strength of the party system:** The success of the pressure groups very much depends upon the weakness of the party system. In Great Britain, where the two parties are highly well-knit and powerful, the pressure groups are not as effective as in the United States, where the parties are not so strongly organised. Moreover, in the multiple party system, as in France, these groups are also very influential.

(v) **Importance to the economy:** The effectiveness of the pressure groups depends on the extent to which they can convince the people that they can play important role in the national economy. Pressure groups are either ineffective or non-existent in the developing countries, because they cannot contribute much too national economy.

Chapter 36

Propaganda

Nothing will enable a citizen to understand politics, influence policies and participate in the formulation and expression of public opinion more than a proper understanding of the meanings and significance of propaganda in the modern State. A distinguishing feature of the modern State is the use, misuse and even abuse of propaganda. Propaganda is a technique of influencing public opinion. Public opinion influences the policy of the modern State, while propaganda influences the public opinion.

History of Propaganda:

Propaganda has always existed in human history. In the ages, it was conducted on person-to-person basis, by means of face-to-face talks or conversations and speeches. In modern times, however, it is conducted through the devices of high technology and the media of mass communications, such as press, radio, cinema, television and now even by the earth-girdling satellites. It is, indeed, stock-in-trade of the political parties, pressure groups and other opinion-makers and leaders as well as of the commercial publicity-men and advertisers.

The term "propaganda" was first used by the Roman Catholic Church in its war of words against the revolting Protestants. It established an organisation, called Congregatio de Propaganda Fide (Congregation for Propaganda of the Faith), which was a committee of the cardinals to carry on Christian missionary work. The term acquired a derogatory sense when the British, French and American Allies in their war against Imperial Germany during the First World War, used propaganda among German troops so skilfully as to bring about the defeat of Germany. The Germans during the inter-war years, led by the Nazi Party, asserted that Germany was not defeated on the fields of battle but by the "swindle" of the Allies propaganda. To counter such attempts, Nazi Germany set up a ministry of propaganda which was controlled by the notorious Nazi propagandist, Dr. Goebbels, the Propaganda Minister of the Nazi dictator, Hitler, who perfected a propaganda device, which he called 'big lie'. He claimed that the bigger the lie, the more readily the people believed it to be true.

Before modern political propaganda began, commercial propaganda in the form of publicity and advertisement had come into use after the industrials Revolution of the early nineteenth century. Modern large scale industry- produce such an abundant quantities of goods that they can be sold only by means of large scale commercial publicity and advertisement, on which billions of dollars are spent every year in the industrialised countries of the world, e.g. USA, Japan and Western Europe. But here we are concerned only with the political propaganda, carried on by governments, political parties, leaders and others. The immense influence of propaganda was realised, for instance, by the Soviet leaders. They use it in two senses as "propaganda" and "agitator .1". By propaganda they mean the "reasoned use of historical and scientific arguments to indoctrinate the educated and the intelligent", while "agitation" means the use of emotional slogans, parables and half truths to influence the uneducated and the unreasonable. Accordingly, a standard Soviet manual is issued for teachers of sciences, entitled "For the Propagandist of Political Economy"-and a pocket-sized booklet called Bloknot Agitora (The Agitator's Notebook) is issued weekly to be used in speeches and conversation among the masses.

In present times, the technological revolution and the information explosion have made propaganda the most powerful political weapon of almost all the States and government, political parties, pressure groups, commercial enterprises and corporations, used both internally within the country and externally against other countries, governments, parties and groups. For this reason a ministry or department is established in many countries which is variously called ministry of propaganda, information, public relations or of public enlightenment.

Definition:

Propaganda may be defined as a deliberate attempt to influence or manipulate other people's beliefs, attitudes or actions by means of words, gestures, flags, images, music, monuments, and such other signs and symbols. It is also understood in a negative sense. It refers to the management of mass communications, the manipulation of facts, the one-sided presentation or communication of information and the use of non-rational appeals. The propagandist has a specified goal or set of goals. To achieve these he deliberately presents a selection of facts, arguments, and explanation in such ways which he thinks will have the most effects. To maximise effects, he may omit relevant facts and withhold necessary information and thus mislead the people whose attention he wants to divert from everything but towards his own propaganda. Whether taken to be good or bad, propaganda appeals to emotions rather than to reason. It distorts facts in order to deceive people. It always aims at inciting the people who are the target of the propaganda are technically called audiences.

In modern times propaganda has become the chief factor in the process of manufacturing public opinion. It is defined as "the spreading of ideas which we want people to believe, whether such ideas are true or not." It is an effort to make a 'public opinion' favourable to a particular party or interest. It is an instrument of social control by forming opinion or ideas. It *is the utilisation of words, objects or persons in an attempt to influence or control the opinion and actions of the individuals and groups.* Propaganda is the psychological weapon in the hands of the political power (and if it is a commercial publicity the commercial interest or organisation).

Propaganda and Education.

Propaganda and education should be clearly distinguished, for they are likely to be confused. The aim of the educator is to convey facts and opinions of all sides in order to enlighten the learners. He seeks to enable them to think and perceive critically and then to make up their own minds on the particular issue. He presents all sides on an issue and leaves the learners to arrive freely at their own conclusions and opinions. The propagandist, on the contrary, conveys facts and opinions in such a way as to help the audience make up its mind. His aim is to teach the audience not how to think but what to think. Nevertheless, as both propaganda and education are forms of communication, it may not be easy to distinguish what is controversial and what is self-evident and true. Indeed, it is sometimes said that one man's "propaganda" may be another man's "education", and vice versa. For instance, Pakistani people regard "Muslim Period" of -Indian History as a fact, but the Bharati people are taught to regard it as controversial; and they have distorted it altogether. In other words, what is history to the Bharatis appears as propaganda to the Pakistanis, and what is history to the Pakistanis appears as propaganda to the Bharatis. Even a scientific theory can be regarded as propaganda by some people. For example, Einstein's theory of relativity, the basis of modern physics and space research, was declared by the Nazi Germans as Jewish propaganda.

The Process, Methods and Techniques of Propaganda Forms of Propaganda.

Propaganda is chameleon-like in its forms and shapes. It is carried on in innumerable ways, such as spoken words, printed words, slogans, symbols, personal contact, mass action, etc. Its means are also as numerous as its forms. They are: person-to-person conversation, meetings, parties, press, platform, radio, cinema, television, educational institutions, and the like.

In its simplest form, the propaganda process consists of three factors: the propagandist and his message, the strategy and techniques used, and the audience or the people or the groups of people who are exposed to the propaganda. The propagandist may be an individual or a group of individuals, an agency or institution with a message, interested in influencing the opinions, attitudes and behaviour of the people exposed to the propaganda. The strategy and techniques are the methods and means to achieve the aims and goals of propaganda. The people or groups exposed to propaganda may be the people in general or the electorate in the country in the case of internal propaganda, and the groups and peoples who are the targets of a foreign propaganda. In this chapter, we shall be mainly, though not exclusively, concerned with the internal forms and process of propaganda.

How is propaganda undertaken?

A successful propaganda campaign, like a military campaign, has its strategy or goals and its tactics and techniques.

Strategy:

Strategy is concerned with the overall campaign and its objectives or goals. In politics, it means two things. Firstly, it refers to the aims and policies of a political party, which are generally embodied in the party manifesto or party platform. Secondly, it refers to particular groups of people in the society to which the party appeals to gain support or the people in a foreign country to which the propagandist targets his propaganda. In the internal propaganda, the target group are the uncommitted voters, called "floating voters", whose votes would decide the election in the favour of the party which wins their votes by its propaganda campaign. In the external propaganda the aim is to so influence the other people as to incite them against their own government or leaders.

Tactics:

Tactics consist of the various methods and procedures which the party or the propagandist uses to accomplish the aims of the propaganda, It is the art of utilising all available forces to the best maximum advantage within the limits set by strategy. For this reason the political campaigner, or the propaganda, has to so devise his propaganda techniques as to win support for his party or to influence the target-people according to his purpose. As a tactician he has to decide which of a number of courses will best help him succeed in his task. In more concrete terms, it means that he has to decide beforehand upon the timing of the campaign, the extent of polemics in the campaign, the choice of the medium of communication and the method of presenting information.

The political campaigner and the foreign propagandist have to decide in advance which forms of propaganda they would employ and what techniques they would adopt in their propaganda campaign.

Its Techniques.

Like its forms and means, propaganda is conducted by various methods and techniques. The most common of them are: (i) publicity or the Publication of a point of view by an official body or person, or by official Statements, (ii) Censorship. It is the opposite of publicity, because it seeks to withhold news or information from the public. If publicity is an act of communication, censorship is that of omission. But one supplements the other. It is, indeed, impossible to make propaganda successful without censorship. In every propaganda campaign, therefore, not only much is told to the people but much is also not communicated or revealed to them. They are shown only one side of the picture-the bright side, if the aim is to elicit their support for a cause or interest, or the dark side, if the aim is to make them dislike and oppose something. Propaganda is always one-sided presentation of facts, news or information, (iii) Indoctrination. It means to present facts or impart knowledge about something, whether policy, or philosophy or belief, in a persistent and systematic manner before such persons who are incapable of critical resistance due to immature age, inexperience or lack of education. Indoctrination is most successful in the case of children and youth, for they are incapable of critical resistance or rejection due to their mental immaturity and inexperience. But they are at the same time very receptive of it because of their impressionable age, their credulity, imitation and suggestibility. Much can be poured into an empty head as it is an empty pot. (iv) Education is also a method of propaganda. Only it is more rational, unbiased, and less one-sided.

Principles of propaganda.

The techniques and methods of propaganda are based on these principles: viz., simplicity, repetition and credibility. Firstly, all propaganda must be simple, for the level of understanding of the people is very low and their time and interest in the subject-matter may be very limited. Secondly, it must be repeated over and over again. Effective propaganda must be limited to a very few points which should be repeated again and again in various forms and means, such as those of the printed and spoken words, symbols and slogans, the public meetings and private conversations, the radio and the cinema or the television and the press. 'Knowledge is the fruit of repetition', said an Arab thinker in the middle Ages. It is still more true of propaganda. Public mind is proverbially short, but by constantly harping on an issue the people can be made to feel intensely and act as required. Lastly, propaganda must rely upon the credulity of human mind. All individuals are impressionable, imitative, suggestible and credulous. Every individual is not only born as a child but remains childlike throughout his or her life. Propaganda relies for its success on men's ignorance of the future, inability to grasp the present or to remember what happened in the past. A man readily and easily understands a thing if it is told or shown in a dramatic and impressive manner and on a magnified scale. That is why atrocity stories, big lies, glittering generalities and emotional appeals and excitations have great influence and effect on the masses of the people. 'The bigger, the better" is an essential principle of propaganda, for anything told in exaggerated terms is easily believed by the people. An advertisement in big and bold letters or an atrocity story told in blood-curdling words and in horrifying adjectives is very effective.

Propaganda device.

Many devices used by the propagandist are based on the principles mentioned above. We enumerate here the most important of them: (i) The name-calling device. The propagandist first arouses the hatred and fears of the people by describing the supposed or real evils and unfavourable qualities in those groups, States, races, individuals or issues which he wants to condemn and thus appeals to the people's fears, hatreds and prejudices by this name-calling`or mud-slinging method, (ii) The glittering generalities. On the other hand, the propagandist aims at winning love, respect and loyalty to his own cause, State, group or race by describing us qualities and advantages in such glittering and glowing words and adjectives as to arouse the people's emotions of love, generosity and brotherhood. For instance, he will often use such words and terms for his own party, cause or virtues, Christian civilisation or the superiority of the white race, "white man's burden" or civilising mission, (iii) The card-stacking device. The propagandist knows that some persons are critical of what he says in praise of his party or State and in condemnation of his opponents or their cause. He seeks to confuse such critical people by the device of stacking such facts as would evade the issue, while he would resort to falsehood, censorship, omitting and distorting facts, raising side-issues or new issues, and by under-emphasis or over-emphasis. Thus he confuses those who try to find out facts and know the real situation, (iv) The bandwagon device. Here the propagandist tries to tell the people that "everybody is doing it" and thus suggests to every individual that he should also do what others are doing. Imitative instincts of man are usually strong enough to make him conform to the common practice and example of other, (v) The plain-folk device. Here the propagandist endeavours to impress upon the people that those whom he is publicizing or praising are not uncommon or strange person but are just as plain as the common run of humanity. Thus he seeks to create confidence and we-feeling for the "great man" in the hearts of the common people (vi) The transfer device. Here the propagandist wins the confidence of the people by referring to some prominent, popular or respected person, fashion or movement. He endeavours to transfer the prestige or sanction of the person or thing to in his own programme or party or issue For instance, if he wants to sell a kind of soap, he will say that such and such film-star also uses it; if he wants the people to accept the policy of a political leader, he will say that it was also the policy of a political leader, he will say that it was also the policy of the founder of the State who, of course, is much honoured by the people, (vii) The testimonial device is frequently used by the commercial propagandists who quote a widely-known person as saying that he uses a specific product, e.g., cigarettes or cosmetics. For example, film-stars are usually shown using a particular brand of soap or shoes etc. (viii) Righteousness. The trick of showing things in such a way that all

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'right-thinking' people should support their cause without further questioning (ix) Transfer. The trick of identifying causes with respectable symbols or institutions (culture, communal harmony and peace) to mask his real motives of war. (x) Selection. The trick of using selected facts which though true may together create a totally false impression, (xi) The big lie. To resort to mass propaganda with the belief that the receptiveness of the masses is limited and their understanding negligible, so that they readily fall a victim to the big lie.

Types of agents:

In certain conditions the propagandist cannot operate himself and has to rely on agents. For the success of his propaganda, he has to employ innocent-looking agents or "front" organisations, while he himself remains behind the scene of his operations. For this purpose, he should choose such agents who are acceptable or credible to the audience than he would be. The use of agents is very effective in such areas where the propagandist is not familiar with the language and customs of the target people or where cultural, religious and other attitudes would deny him a favourable hearing. For instance, the Hindu teachers, merchants and others became the agents of Indian propaganda in eastern wing of Pakistan at the behest of India In 1971. The same role was played by the • Hindu Tamils was in Sri Lanka, and thus they enabled India to enslave that island State. The same role is played by "front men" and "contact agents" or by "hidden persuaders" in modern propaganda. It is important for the propagandists to remain behind the scenes of their operations and to select intermediaries, front men, Trojan horses, and "dummy leaders", whom the target groups or people are more likely to listen or appreciate. Similarly, paying a native news commentator or lecturer in a foreign radio or television station or furnishing propaganda music to the foreign radio or television station may be more effective than one's own broadcasts or telecasts. In this respect, the propaganda by a broadcasting station, like the BBC, is very effective, because the listeners in other countries usually believe that it is "truthful".

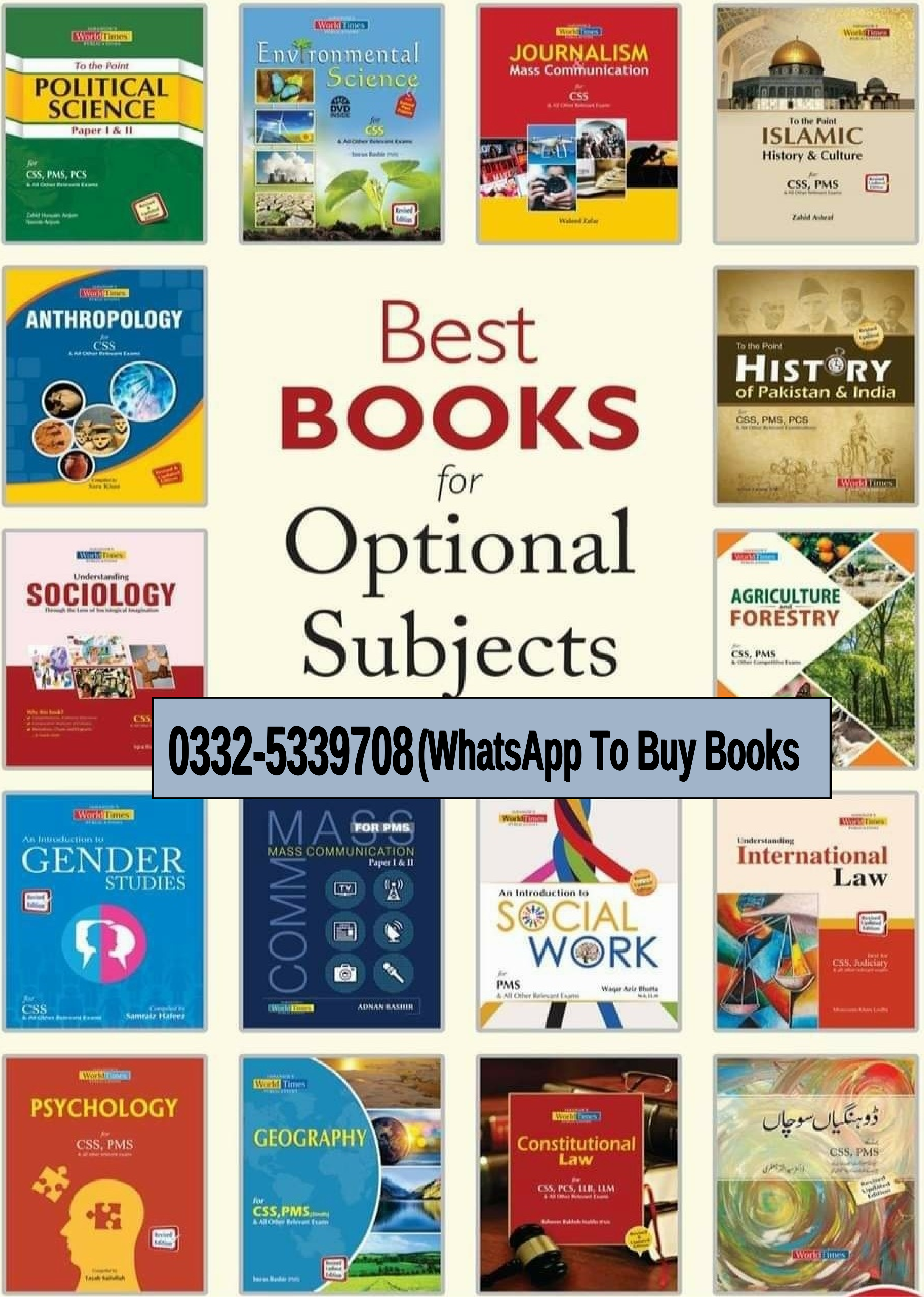
Various propaganda devices:

The use of familiar symbols and signs by the propagandist is very useful, especially those associated with parents, or parent substitutes such as uncles, aunts, schoolteachers, priests, political heroes, gods and goddesses, e.g. "the fatherland", "the mother country", "the Mother Church", "Bharat Mata" (Mother India"), "Uncle Sam" for the Americans, etc. In India, an actor, who used to play the roles of Hindu gods in the films, became so popular with the people that he was elected as the chief minister of a province in India. The leader and founder of Communist Vietnam was "Uncle Ho Chi Minh" to his people. Modern propagandists use various devices for their propaganda purposes, such as the use of music broadcasts, audio and video cassettes, films books, posters, handbills, etc. In

Khomeini's revolution against the government of Raza Shah in 1979, the use of the cassettes, with the speeches of Khomeini and other revolutionary leaders recorded in them, played an important role. Indeed, the list of such devices is so long that it would fill many pages. They include newspapers, magazines, radio and television films, posters, speechmaking, whispering and rumour-mongering campaigns, flags, street names, monuments, commemorative coins and postage stamps, various kinds of scholarships, awards and prizes given by foreign countries, such as Fullbright or Soviet Friendship scholarship, various "peace" awards, and prizes, the composition of novels, plays, comic strips, poetry and music as well as such propaganda agencies as political parties, pressure groups, public relations firms, churches, temples, mosques, various propaganda organisations operating overtly or covertly, etc., etc. In this respect, the "reference groups" with which the individuals are familiar, or the "social relay points" which convey or amplify a propaganda message are highly useful.

Effects and importance of propaganda.

Whether one likes it or not, propaganda has become a great force in the modern world. Good or bad, every modern State, whether a dictatorship or a democracy, is actively carrying on propaganda campaigns both within its territories and outside against other States, especially against those which it regards as its present or prospective enemies. Propaganda has indeed, become a very powerful political weapon. It has great effect on public mind. It works slowly, but if persisted in and repeated enough, it invariably succeeds in attaining the objects that it sets to itself, the causes of its success are several. Firstly, every individual is intellectually deficient in one way or another: he cannot think rationally about all things. The propagandist offers him ready-made answers or solutions to many about which he knows nothing or understands little: either he has no knowledge and experience or interest in it or it is very complicated. Secondly, every person has bodily limitations that he cannot be everywhere and thus have first-hand information about every event or fact. He has, therefore, necessarily to depend upon others to supply information about it. But others may not be interested in providing him with true facts of the case due to their own party, class or political interests and considerations. Yet, in spite of him mental, intellectual or physical limitations, every individual is eager to know something about everything, especially about an event or occurrence. The propagandist has, in such circumstances, a great scope for plying his trade. So great is the effect and influence of propaganda that it has now become *a* great force in maintaining the unity, strength and stability of the modern State. Hence propaganda ministries and publicity or public relations departments have become essential parts of the present-day governmental structure. It must, however, be said that propaganda is not necessarily or always an evil. We may use it to disperse many false notions.



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It is a very good method of educating the 'people. In any case, the fact is that it is ultimately the good and the truthful that ultimately wins. You can befool all the people' for some time, or befool some people all the time, but you cannot befool all the people all the time. In the along run, victory lies with truth, i.e., truthful propaganda only.

Causes of the success of propaganda:

The factors, which lead to the success of propaganda, are as follows:

1. ***Crisis and war situation:*** *In* times of crisis or war people are so much perturbed that they become victims to propaganda easily. Rumours become very effective in such situations. During such emergencies propagandists preaching extreme political opinions tend to command more public support than under more settled conditions. In a peaceful society where the people are economically satisfied, views cannot be so quickly changed by propaganda appeals.

2. ***Winning side:*** If a party has known large majority in an area, its appeals at the election time may be more effective than those of other parties. The same is true of an army reputed to be victorious. Nothing succeeds like success. It is true in war as also in election campaigns.

3. ***Existence of censorship:*** An autocratic government or dictatorship imposes various kinds of restrictions on freedom of expression of opinion by such methods as censorship on the newspapers, press and publication. It thus enjoys monopoly of propaganda. The same is true of a strong political party. Then the campaigns of such a party are likely to be more effective than if its messages were liable to be challenged by rival parties.

4. ***Marginal issues:*** The issues, which are of marginal than of critical importance to the people, are readily successful, for they will have little or no effect on the opinions of the people one way or the other. Similarly, if the views or programmes of rival leaders or parties are more or less similar, effective propaganda by one leader or party will tip the scales against the other.

5. ***High degree of accuracy:*** When messages have a high degree of accuracy, they will be more acceptable to the people than those which are based on a complete falsification of the existing State of affairs.

6. ***The appeal of specific groups:*** Some sections of the people are highly suggestible to high or extreme political views than other sections, because of their age, sex, social status, class, religion or race. These include the young, the poor, the minority groups and those of low status.

Measurement of propaganda effects:

Modern world is seething with rival propaganda and counterpropaganda campaigns. It is, therefore, sometimes difficult to find ut what is true and what is not. Nevertheless, various methods can be pplied to find out the effects of a particular propaganda campaign. They re briefly as under:

1. ***Content analysis:*** Content analysis means to study the ontents of a propaganda campaign. For instance, the number of column inches of printed space or seconds and minutes of radio or television time that propaganda occupied can be tabulated, thus the trend or purpose of propaganda assessed. The symbol and themes it contained can be categorised in terms of expressed or implied demands for action of various types.

2. ***Intensive interviews:*** Selected individuals among the audience or the target people can be intensively interviewed by specially trained interviewers. If this is not possible, as it is often the case with people under a dictator or an autocratic ruler, informed persons can be interviewed who have either personal experience of such governments or have special interest in them, such as refugees, expellees, exiles, or scholars who have specially studied conditions in such a State.

3. ***Extensive observations:*** A propaganda campaign can be extensively observed by specially trained people. Such persons are called participant observers, that is, those who directly participate in the activities of party or movement and thereby can personally observe the effects of its propaganda. Moreover, audience's size and composition of audiences on such campaigns can be indirectly observed. Where printed or telecommunication, media are used, their readership or listenership figures can also be obtained. If public meeting or demonstrations are involved, there may be observers' reports, such as those of the newspaper reporters, etc.

4. ***Experiments and panel interviews:*** Lastly, experiments on the reputed behaviour of the audiences can be conducted by comparing with similar or matched groups, which may be exposed to the same kind of propaganda and their reactions noted. However, such experiments may suffer from some drawbacks. The matched group may not be representative of the audiences. Moreover, exact conditions confronting the audience may not be reproducible. But if these drawbacks are kept in mind, experiments can give some accurate results. Anyway, these defects can be overcome by panel interviews. The panel interviews are conducted with small matched groups who are closely and intensively or repeatedly interviewed. Even then it should be remembered that the effects of a propaganda campaign cannot be accurately measured but only estimated. But even fairly accurate estimation can go far in understanding the effects of a propaganda campaign.

Chapter 37

Political Parties and Leaders

Modern government is a representative government. It is, therefore, a party-based system of government. The number of parties in a State may be one, two or many. We shall now consider what a political party is, what are the historical origins of political parties, what are their features, factors, and their functions and the three types of political party systems.

Definition:

Wherever a group of persons seeks to acquire political power by collective action, there a political party comes into being. But something more is also needed. There should also be a political structure of the State which provides opportunities to various groups to pursue interests and advantage by capturing political power. We may define a political party as a group of persons, more or less organised, who hold the same or nearly the same opinion on issues confronting the State and who seek to obtain control of government by winning elections in order to realise their aims and interests Briefly, a party is primarily an electoral machine for gaining power with or without a philosophy or ideology of its own.

Maclver defines a political party as "an association organised in support of some principle of policy which by constitutional means it endeavours to make the determinant of government." Lord Bryce defines political parties "as organised bodies with voluntary membership, their concerted energy being employed in the pursuit of political power." Max Weber defines the political party as "a voluntary organisation of propaganda and agitation, seeking to acquire power in order to procure chances for its active militant adherents to realise objective aims, or personal advantages, or both."

A political party is made of five elements: members, principles, programme, leadership and governmental power But in the actual evolution of a party all these elements may not be present.

Historical evolution of parties:

For ages past, there were no political parties at all, for the monarchies and autocracies of the past did not provide opportunities for their growth. Yet there were cliques and factions which tried to influence the king or ruler so as to win favours for themselves or for their groups or classes. Political parties first came into being in England, when parliaments began to challenge the autocratic powers of their kings. There were then two parties, one in favour of the royal powers, which was called the Tory party: now called Conservative party, and the other which favoured parliamentary powers, called the Whig party, later called the Liberal party. In Great Britain, the party system has always remained two party system. But the evolution of the parties in other countries has been different, for it depends on their historical conditions, culture and political and constitutional structure. The first type of parties was of the brokerage type in the nineteenth century. They aimed at protecting the class interests of the landowning or industrial classes. The next stage in the evolution of parties was that of the cadre parties. A cadre party consisted of a small number of members who seek to protect national interests by capturing governmental powers. The last stage, which began during the twentieth century, was that of mass parties. A mass party is open to public membership regardless of class differences. In the eighteenth and nineteenth centuries, political parties came into being only in Europe and North America. But since the beginning of the twentieth century, political panics of various types have also come into existence in Asia and Africa, especially in those countries where democratic and electoral systems were introduced, or where struggles for national independence against the imperialist powers began. Although there are mass parties in some Asian and African countries, but they are not truly so, for they are dominated by tribal chiefs, as in Africa, or by caste groups, as for instance in India. In Pakistan, the Muslim League was a mass party under Quaid-e-Azam and Liaquat Ali Khan's leadership. Afterwards it degenerated into various factions. Later, the Pakistan People's Party became a mass party. There are, however, several parties in Pakistan, but none of them has become a mass party. The Jammat-e-Islami is a cadre party, with membership restricted to chosen few, while other parties are only factions or coteries of leaders and a handful of their supporters and activists. Many of them are of local, provincial or regional membership and interests, such as the POP. ANP, PNP, etc., etc. If general elections are held regularly, most of them will cease to exist. In short, the existence of political parties and of party systems depend upon the political structure, culture and constitutional system, which may or may not ensure opportunities to the people to organise political parties and to capture governmental power by means of elections for national or limited interests.

Characteristics of the political party:

From the definitions given above, and the conditions under which parties grow up, we can derive such essential features which every political party possesses. They are as under:

1. **Agreement on fundamental views and ideas.** A political party is a voluntary association of like-minded people. Men differ in their opinions. This is partly due to the differences of personal experience,

emotions, temperament, character and knowledge and partly due to the love of combat and the desire for victory. Family traditions and social status of an individual very much affect his thoughts and opinions. "Every boy or girl", said a political writer, "that is born into this world alive, is either a little Liberal or a little Conservative or else a little Socialist." Parties exist because men disagree. Laski says: "Parties are born of the natural contrast between those who cling to the old and those who embrace the new. Temperamental differences or imitative tendencies of men might give rise to parties" Men are also gregarious by nature, — birds of the same feather flock together. If they are to live in a political society, they adjust their differences with each other and agree on certain opinions. When like-minded persons agree on certain fundamental aims and ideals regarding political, economic and other matters, they associate or come together and thus form a party. Without this agreement on fundamental aims, purposes and principles, no political part is possible.

2. ***Organisation and leadership.*** Persons holding similar opinions and principles must be organised into a political unit, if they are to achieve their aims and ideals. In politics, no tangible achievement is possible without a proper organisation. Due to this reason, Dr. Leacock said that a political party is like a joint stock company. Organisation gives coherence, unity and strength to the party. "In union there is strength." It alone makes concerted action and achievement possible. This fact distinguishes a political party from a crowd or a mob. A political party is like a team on a large scale. It has a team spirit of cooperation and organisation. Men learn that they must line up with others in order to be effective in action. But parties differ in their organisation. Some are rigidly organised, while others are not so. In present times, however, the general tendency is towards rigid organisation, discipline and control. The organisation and discipline of a modern party make it a vast and complex apparatus. "Parties possess", writes Finer, "buildings and newspapers, printing presses and advertising experts, and slogans, heroes and martyrs, money and speakers, officials and prophets, feast days and fast days; like all religions, they disrupt families and produce heretics, and among their agencies of discipline and subordination are the novitiate and penance." In short, a political party is like an army, a fighting organisation out to conquer and capture political power. "Victory," says Dr. Finer "is the first law of politics". Hence the need for organisation and leadership without which success in political struggle is not possible.

3. ***Constitutional Methods:*** Political party is said to be a building block of democracy. Although a fighting organisation, a political party, however, does not fight like an army with bombs and bullets. On the other hand, it fights in a peaceful manner and with constitutional methods. Ballots have taken the place of bullets in modern politics and heads are

counted and not broken. Compromise rather than unconditional surrender is the method of political decision. Public speeches, meetings and demonstrations, persuasion and propaganda and other means of influencing public opinion are employed by political parties to win votes in order to come to power. They appeal to the voters to vote one or the other of the parties into power. The principle of majority decides as to which of them will form the government. The ballot-box decides the fate of a political party and its claim to form the government. Revolutionary or violent methods are used by some parties. But such a situation arises only when a people are denied opportunities for self-government and the State system allows its party system to be misused or corrupted.

4. *Promotion of national interests:* A political party must aim at the promotion of national, not at sectarian, communal or class interests. This is its essential feature and its basic test. Burke has rightly defined a political party as "a body of men united for the purpose of promoting by their joint endeavours the national interests upon some particular principle on which they are all agreed." This is the essential feature distinguishing a political party from a faction, a coterie, a clique or a pressure group. While the party aims at the common good of the whole nation, these groups aim at the special interests or selfish ends of a group or a class or a section of the nation. As Dr. Herman Finer says, "Hardly a party anywhere exists only for a single narrow purpose Parties are varieties of multi-purpose associations, rising to some that have as their concern the totality of human existence." This ideal or common good is the real unifying force of a political party. "The special cohesive element", adds Dr. Finer, "of a political party which differentiates it from other groups and causes political parties to differ among themselves, is their dogma of the Good State, and their struggle for the power to realise its implications concretely in the institutions and behaviour of all." It is for this or ideal of common good that there exists, in a democracy, the whole paraphernalia of party organisation and apparatus, party discipline and control, and the struggle for political power. Yet some parties fall far below this supreme ideal.

Party distinguish from faction.

A faction is a loose united group of men who unite to achieve private or sectional interests as opposed to national interests. It may be a fraction of a party or a splinter group. A coterie or a clique is a still smaller group of persons, united together for their selfish end or private gain.

Political Party and Pressure Group Distinguished:

Pressure groups stand for the interest or well-being of a special group or class, while the panics stand for the general welfare or common good of the whole nation. Secondly, the pressure group concentrates on one or on a small group of issues, while the party advocates in general terms a large number of policies. Thirdly, the pressure group is interested in policies, the party in candidates. Fourthly, the party organises public opinion; it is a conglomerate of opinion, while the pressure group endeavours to make or manufacture a 'public opinion'. In this respect the pressure groups are serious rivals of political parties. Fifthly, the basic distinction between the two is that the political parties aim at the control of the government in order to achieve their programme and ideals, but the pressure groups do not seek to obtain control of the government. Unlike the parties, they are not willing to assume the responsibility for solving the problems of government. Pressure groups often operate within the framework of political parties. Sometimes a party may become so small and limited that it may be no more important than a faction or a pressure group. Finally, political parties are public organisations, operating among and before the people, but pressure groups often work behind the scenes and try to avoid public scrutiny. Secrecy is essential to pressure groups but not to the political parties. This fact makes the parties responsible to public opinion, but the pressure groups can operate-irresponsibly.

Kinds of Political Parties.

In general, there may be at least four types or kinds of political parties, for there can be at most four kinds of opinions, viz., the reactionary, the conservative, the moderate or liberal and the radical or revolutionary. (1) The Reactionary party consists of such people who wish to revert to the old order, whether it actually existed in the past or is only imaginary Jan Sangh and Hindu mahasabha in India, the Nazi Party in Germany, or the Fascist parties in Italy and Japan before the World War II are the examples of reactionary parties. (2) Conservative Party is like the reactionary one, but with one difference. While the reactionary party seeks to revert to an old order, the conservative party seeks to preserve the old order unchanged. The reactionary party seeks to revive old order which is long dead and gone, but the conservative party seeks to preserve the *status quo*. Reactionary parties usually exist in countries whose achievements and glories lie in the past, which they try to revive once again, while conservative parties usually exist in countries which are still great and prosperous and do not want further change in society or politics lest they lose their prosperity and greatness. The examples of conservative parties are innumerable, such as the British Conservative Party, both the Republican and Democratic parties in U.S.A., the Congress Party of India, etc. (3) Liberal or Moderate or Progressive parties are those which advocate social change, progress and freedom. (4) Radical or Revolutionary parties stand for radical changes and outright progress in social and political life and organisation. In present times, the number of such parties is fairly large, such as the socialist, communist and other extremist parties. It must, however, be noted that in practice it is not often possible to make a clear-cut distinction between some parties. They sometimes shade into each other. A conservative party may not be much different from a reactionary, while a liberal party may be really conservative: and a radical party may be so only in name, as for example. The Radical Socialist Party in France is neither radical nor socialist but is really a moderate party of the Centre.

Since the great French Revolution (1789-99). It is also customary to describe political parties as the parties of the Right, the Centre of the Left. The reason was that the conservative and radical parties were accidentally so seated on the right and the left in the French National Assembly in 1789 during the great French Revolution. Those parties which are reactionary or conservative are now said to be the parties of the Right; while the radical or revolutionary parties are called the parties of the Left; and those which stand between these two extremes are called the parties of the Centre. Parties of the Left are sometimes called the Extremists for they advocate an extreme or revolutionary transformation of society and State, such as the revolutionary, socialist, or the communist party. Usually every political party includes several points of views; for unanimity or homogeneity of opinion never exists in a party. In such a case it may consist of two wings, the left and the right wing. For instance, the British Labour Party has two wings; its left wing is more socialistic than its right wing.

Basis of Political Parties.

Parties are formed for different purposes in different countries and ages. They may be formed on the basis of religion, economics, form of government, nationality, class interests or other general questions of vital interest to the State or people. Religious basis creates communal or religious parties which are usually reactionary, conservative and revivalist or fundamentalist. They are for example, the Hindu Mahasbha, the Akali Dul Party, etc., in India, the Jamaat-e-Islami, the Ahrar, and the JUI or JUP in Pakistan or the various Catholic and other Christian parties in several European countries. But religious basis is not a sound principle for political parties. It arouses hatred, divides the nation, obscures political issues and prevents a rational solution of political, social and economic problems of a nation. It is opposed to progress and development of human life and society Racial and national differences also create various parties, especially where racial and national minority groups exist. In the 19th century, parties existed to advocate different forms of government, such as the monarchist and the republican parties, one favouring a monarchical and the other a republican form of government. Class parties also sometimes exist, such as the party of the landlords or of the industrialists or of the workers. In present times, however, parties are usually organised on the basis of political and economic programmes and policies.

Three Theories of the Origin of Parties.

Political writers do not agree among themselves regarding the causes and forces which create political parties. Broadly speaking, three theories are offered to explain their origin. They are the theory of human nature, the theory of ideological motivation and the theory of economic or class conflicts.

(i) *The Theory of Human Nature.* According to this theory, parties arise because human nature is fundamentally split into two tendencies, conservatism and progressivism. Some people are instinctively conservative and want to leave things as they are. They dislike change and oppose progress. On the other hand, some persons are instinctively progressive and want to make changes, as they are dissatisfied with the status quo or the existing order of things. "These two tendencies of human nature produce two kinds of parties, the parties of the Right and those of the Left, the conservative and radical or progressive parties. This is psychological explanation of the rise of different political parties.

According to Lord Bryce, four factors maintain political parties. "Whatever its origin." he writes, 'every party lives and thrives by the concurrent action of four tendencies or forces, which may be described as those of Sympathy. Imitation, Competition and Pugnacity. Even if intellectual conviction had much to do with its creation, emotion has more to do with its vitality and combative power." These forces of human nature preserve the unity and continuity of a party.

As regards the changes in political parties, it is said human habits and temperament change with age and circumstance. Young people are always radical, emotional and idealistic. They love change and dislike the old order. But grown-up people with advancing years become conservative and dislike change. They look back to the old order with which they are habituated and are critical of progress and change, innovations and reforms. Thus most individuals begin as radicals and revolutionaries in their youthful days but become conservative as they become old and settled in life with an established social status, wealth and property. Thus age and circumstance change political views and party affiliations of the individuals.

(ii) ***Theory of Ideological Motivation.*** This theory briefly means that ideas move men that political parties arise and become organised because men differ in their beliefs, ideas, convictions and outlook on life or in their philosophy of life. In the past, religious beliefs and dogmas divided people into different parties, whereas in present days, political philosophies or 'isms' and social ideologies divide them. In backward and under-developed countries, religion still plays a great part in the growth and differences of political parties, while in industrially advanced and progressive countries, social and political ideologies create different parties. Thus a political party is an association of those persons who have similar ideals, beliefs and purposes which they seek to achieve by collective action and control of the government.

(iii) ***Theory of Economic or Class Conflicts.*** This theory emphasizes the economic factors and motives in the growth and differentiation of political parties. It explains that parties grow up and become divided as a result of the conflict of economic interests of various classes, sections and groups in the nation and society. Differences in wealth and possessions, in economic outlook of the people and economic conditions, are the vital forces behind the formation of political parties. The 'haves' form one party and the 'have-nots' another. Men of property and wealth do not like social or economic changes and, therefore, organise conservative political parties. The poorer and propertyless classes are eager for social and economic changes, for they have nothing to lose by change. They form radical parties. Karl Marx was the first great writer to show the determining influence of economic or material conditions on the political life of a people. People think as they live. Politics is, no doubt, not all economics, but it remains a mystery without it.

Conclusion.

Each of these theories contains a Clement of truth. Political parties are complex phenomena. One factor alone docs not produce them. Human nature, ideas and economic conditions all determine the growth of parties and their divisions into various forms and kinds.

Importance of Political Parties.

Political parties have always existed in all forms of governments and States. But some forms of government favour their growth and development more than the others. In absolutist and unconstitutional monarchies, for instance the parties were no more than cliques and coteries. In the direct democracies of antiquity they were really transient and unorganised collection of persons around a prominent leader or orator. It is only in modern representative democracy that they have fully developed into mass-organisations of leaders and followers, based on definite principles and programmes of public welfare and national interests. They are, indeed, indispensable for the working of a democratic government. It is rightly said that they are the building blocks of democracy. Without political parties, writes Macrver. "there can be no unified Statement of principle, no orderly evolution of policy, no regular resort to be constitutional device of parliamentary elections, nor, of course, any of the recognised institutions by means of which a party seeks to gain or maintain power." The rise of political parties was much criticised by old writers and Statesmen as undemocratic, for they came in between the people and the rulers. But, as Lowell says, 'The conception of government by the whole people in any large nation is, of course, a chimera; for whenever the suffrage is wide, parties are certain to exist and the control must really be in the hands of party that comprises a majority or a rough approximation to a majority of the people." Without political parties, there will be factions and cliques. The people will have no means of influencing the government except by appeals and petitions to the government to redress their personal or sectional grievances, as was the case under the kings and other absolute rulers. In fact, wherever there is government by discussion and public opinion, there must be political parties, for there can be no unanimity in public affairs. In dictatorship, however, political parties cannot exist in the same way as in a democracy. Dictatorship does not tolerate difference of opinion. Hence there is only one party in a dictatorship, the government party, which has the monopoly of political power and decision making.

Functions of Political Parties.

1. ***They organise public opinion and formulate the general will.*** The problems facing the modern State are many and complex. People have ordinarily all sorts of opinions and views about one and the same issue. The first function of political parties is to organise these myriads of opinions by educating the people. Every party selects those issues which are of fundamental importance or are likely to appeal to the voters. It then formulates its own views, policy and programme about it and popularises it among the voters by means of the press, platform and other means of propaganda. Thus it explains these problems to the people. At the same time other parties put before them their own views and policies and thus enable them to judge these issues by themselves. In this way they act, as Lowell puts it, as brokers of ideas. As Bryce says, they bring order out of chaos of opinions and views. If there were no political parties in the modern State, politics would be a sheer babble of tongues. A disorganised mass of people can neither formulate principles nor agree on policy. Thus political parties organise public opinion and express the will of the people or the General Will. By serving, as Gettel says, as the motive force in crystallising public opinion, they make democracy workable over large areas of the modern nation States.

2. ***They select candidates for public offices.*** The second function of political parties is to select candidates for election, to plan, organise and run election campaigns and to win them by winning majority of votes for their own candidates. This is their essential and very useful function in the modern democratic government. As elections are expensive affairs, and some candidates are too poor to bear them, the party defrays the election expenses of such candidates from the party funds, contributed by its members and supporters. Moreover, the voters cannot know the candidates or choose them. The parties select them and acquaint the voters with their qualifications and merits and thus convince the votes of the superiority of their own candidates over those of the rival parties. They are

the launching pad or spring-boards for new leaders to capture governmental power. They provide opportunities for leaders to come to power.

3. ***They endeavour to capture government by constitutional methods.*** The primary aim of a political party is to obtain control of government. Hence political parties endeavour to capture governmental power by peaceful and constitutional methods of winning elections. In modern politics ballot has replaced bullets, and heads are counted, not broken. The party which wins majority in elections becomes the ruling party. For this purpose the parties announce their party programmes on the eve of the general elections, select their candidates and launch election campaigns and undertake nation-wide election campaigns. They spend huge sums to win elections. They dramatize politics and keep the nation politically awake. The majority party becomes the party-in-power and puts its party programme and policy into practice. For this purpose, it makes new laws and amends or repeals the old ones which are not in harmony with its programme or policy.

4. ***They also criticise the Government.*** The party or parties which are returned in minority to the legislature, form the Opposition. It performs no less important and useful function than that of running the administration. The opposition parties keep the ruling party in check, point out its weaknesses, and prevent it from becoming despotic or negligent of national interests. They expose corruption and favouritism and scandals of the ruling party. The Opposition is, therefore, aptly described as the watchdog of the democracy.

5. ***They control their members in the legislature.*** Lastly, the political parties perform an important function of holding together their members in the legislature. This is particularly so in the parliamentary system, in which the majority party in the legislature also forms the cabinet. If it is to remain the ruling party and preserve its power, it must remain a majority party in the legislature. Hence the party organisation is strict and party discipline and solidarity rigid. The party is, therefore a unifying agency between the executive and legislative departments of government. In the presidential form of government, the parties bring about harmony between the executive and legislative organs of the State and make them a working whole.

Defects of the Party System.

1. ***It encourages disunity and disruption in the State.*** The main allegation against the political parties is that they disrupt national unity by dividing the people into two or more hostile camps. They create an atmosphere of bitterness in the country. "Even the best political party", says Lord Halifax, "is a conspiracy against the nation." Politics becomes an endless strife between the party-in-power and the party-in-opposition, a struggle between the 'Ins' and 'Outs', the latter misrepresenting and

thwarting the action of the former. The party-out-of power views with alarm all the acts of its opponents. The legislature becomes a battle-field of party quarrels. In these quarrels, however, the interests of the nation are disregarded and even forgotten. It is, indeed, remarkable, says Dr. Finer, that a part of the parliamentary government, the opposition, should spend weeks and years to overthrow the government, in order to cater upon the government. It needs lot of self-restraint on the part of the people. In backward countries, not accustomed to such a political self-control, the party quarrels usually degenerate into a civil war, as the experience of several countries since the end of the World War II has demonstrated. This is the reason why the parliamentary form of government in such countries has been snuffed out and replaced by a sort of dictatorship

2. *It leads to moral corruption.* Party contests are waged not on principles but for capturing political offices. As Belloc said, party divisions are artificial and are only the fights for office. They are 'arranged' for capturing political power by befooling the people. Victory is the first law of party politics, no matter whether it is won by fair or by foul means. It engenders bitterness and strife, rancour and hatred, especially at the time of elections, when fighting and head-breaking may also occur. While the party leaders incite bitter feelings by their spiteful and undignified speeches, their followers frequently start brawls and quarrels among themselves.

Moreover, party system breeds favouritism, nepotism and other evil practices, such as the ill-famed "spoils system" in the U. S. A., by which posts and offices in the government were distributed among the supporters of the victorious party. Gilchrist says, parties suppress truth and spread falsehood in order to impress upon the electorate that the one is right and the other wrong. Perverted party propaganda chokes reason and strangulates thought. It arouses popular emotions and generates mass hysteria on artificially created issues. But the rise of mass hysteria or herd psychology is the death of democracy.

3. *It is opposed to the spirit of democracy.* Party system is based on party loyalty and party discipline which does not permit members of a party to express their opinion freely and independently. They have to toe the party line and abide by party decisions, made not by all but by a handful of leaders at the top of the party hierarchy. The unanimity of opinion in a party is artificial and injurious. It suppresses freedom of thought and speech without which democracy cannot exist. It encourages loyalty to the party at the expense of the loyalty to the State. It reduces politics to a tug-of-war between two parties, in which, as Dr. Leacock says, "each side remains in a State of wilful inconvincibility, with individual judgment frozen tight in the shape of the party mould." An independent citizen is regarded as a 'crank' and is excluded from politics and a share in the government while party members and voters are reduced to slavish obedience to party behests. Anyone who does not obey is driven out of the party and even out of politics. This is contrary to the spirit of true democracy. On the contrary, it creates such tendencies as flattery, sycophancy, servility and the 'gift of the gab', while truth, justice and reason are thrown into the background.

4. ***It encourages bossism, factionalism and political adventurism.*** Party system gives an opportunity to self-seeking adventurers to exploit the masses for their evil designs and personal ends. If they find no political party, they set up one for their own purposes. This leads to the growth of many parties which divide the nation into factions and groups, as it has happened in Pakistan, India, etc. Party system fosters rule by the boss, the caucus or private cliques, "which arrange matters to suit themselves." One of the worst features of the party government is that the parties are in the hands of the richer and privileged classes who use them for their selfish ends and class interests. They are financed by the rich and they work for their interests. Hence they are not, as Burke defined them, "a body of men united for promoting by the joint endeavours the national interests upon some principle on which they are all agreed," but are in practice, as Pope defined them, "the madness of the many for the gain of the few." That is why Rousseau; believed that where parties existed, there would be no expression of the General Will.

Merits of the Party System.

History is no doubt full of mischief and evil caused by the Party System. Yet there is another side to the matter. Parties have also done much good and averted many evils, as explained here:

1. *It is essential for democracy.* Modern representative democracy, with its large size and great population, is unworkable without parties. They enable people, scattered all over the country, to agree upon some common principles and work together in support of them. Thus they help the people to express their will. The success of the representative government has mainly depended upon the energy, efficiency and enterprise of the party system. "The party system," writes MacIver, "was in particular the mechanism by which the Class-State of the past was transformed into the nation-State of today."

2. *It gives political education to the people.* Left to themselves, the people are an unorganised mass of conflicting opinions, with no interest in politics Political parties arouse the people's interest in politics. They define and clarify national issues to the people, especially at the time of elections. Each party offers them its own explanation and solution of national problems. Thus the people are presented with alternative solutions, views and programmes. When the people vote for or against the candidates of the various parties, they really vote for or against their views, policies and programmes. In this way the parties keep a nation's

mind alive to national affairs and educate them. As MacIver says, they 'make articulate the inarticulate desires of the masses." Thus they are as Lowell puts it, "the brokers of ideas." "Without political parties," as Finer remarks, "an electorate would be either impotent or destructive by embarking on impossible policies that would only wreck the political machine."

3. ***It makes representative government stable and responsible.*** As we said above, before the rise of the party. system, democracy was impossible and unworkable. Political parties not only offer alternative programmes but also alternative governments to the people. Without political parties, the only method of securing a change of government would be by revolution or coup d'etat, as it was in pre-democratic States. Under the party system, there is always an alternative or "shadow" government of the opposition party or parties. If the policy of the party-in-power is not approved by the people, they can change it constitutionally by voting it out of power and replacing it by the opposition party. As MacIver says, Party-rule "implies the alternation of power, as system of succession which gives each its opportunity." It regards "persuasion more desirable than compulsion, and the conflict of ideas more creative than the clash of arms."

The party government is responsible government. The government of the ruling party is subject to constant criticism by the opposition party which acts as a check on any tendency towards despotism and tyranny. Thus the party system checks the growth of executive despotism and makes the government responsible to the public opinion. It acts as a check on hasty and ill-considered acts and laws of the party in power, which knows that the opposition will expose its weaknesses and mistakes to the people and bring about its defeat at the polls. The opposition thus keeps the government on the right path.

4. ***Under the party system, government becomes stable:*** It produces harmony between various organs of the State. In the parliamentary government, the cabinet consists of the leading members of the majority party in the parliament and thus the legislative and the executive organs are linked by the party membership and discipline. In the presidential form of government, the party is the only link which brings harmony between the president and the legislature, which are otherwise quite separate and distinct. If they belong to the same party, the danger of deadlock is minimised.

5. ***Party discipline brings harmony between the government and the people.*** Although some critics deplore the fact that party discipline and adherence to party policy restricts the independence of the members to think and act as they like, yet it has some advantage also. It brings harmony between the laws and acts of the government and the

wishes of the people. The ministers get the laws passed by the legislature with the support of the majority they command in the legislature, elected by the people.

THE PARTY SYSTEMS

Broadly speaking three types of party system exist in the modern States. They are the two-party, the multiple-party and the one-party systems.

The Two-Party or the Bi-party System.

Normally the two party system consists of two major parties, which are nearly equal in membership, e.g., the Conservative and Labour parties in Britain. A few minor parties may also exist, but they have little or no influence on the politics of the country. Sometimes a third party may arise which may gradually oust one of the two earlier parties from the country's politics. Thus temporarily there may be three parties, but ultimately the two party system is restored. This happened in England, where during the nineteenth century, the two parties, the Liberal and Conservative, existed. Then the third party, the Labour, came into being. It gradually supplanted the Liberal party and finally in the general elections of 1945, the Liberal party vanished from Parliamentary scene, which is now dominated by the two parties, nearly Labour and Conservative parties. In the two party system, one of the two parties is in minority in the legislature. It assumes the function of criticism and opposition to the party in power, hence called the Opposition. However, in spite of the opposition, the differences between them are often very minor. Both are reluctant to take up new and untried issues, which are really espoused at first by the unimportant minor parties. Only when an issue or a programme becomes popular, then one of the two major parties adopts it as its own programme or platform. Organisation of both parties is rigid and close-knit.

Arguments for the Bi-party System.

As compared to the multiple party system, the Bi-party system has the following advantages:

1. ***Offers a clear-cut alternative to the voters.*** First of all, the Two-Party System is convenient to the voters. They are asked to choose between two parties with their clear-cut programmes. Therefore, the choice before the electors is very simple and clear. They can vote for one of the two parties. Thus they decide beforehand that it by giving more votes to one party should rule over them. In the Multiple Party system, they are confronted with several parties, and are lost in the welter of several parties and their confusing programmes. Their votes do not decide which of the parties would ultimately rule then, because this depends upon the coalition of the parties in the legislature. So the government formed under the dual

party system is really the choice of the people. They directly choose the cabinet.

2. ***Formation of government is easy under this system.*** The formation of the cabinet or government is easier under the bi-party system than under the multiple party system, for one of the two parties is necessarily returned in majority and forms the cabinet. In the group system no party has majority in the legislature and, therefore, several parties join together to form a cabinet. But the coalition cabinets are notoriously unstable.

3. ***It secures a really representative government.*** Dual party system secures a representative government in the real sense, for: (i) it enables the voters to choose the government directly, as we have said above; (ii) it makes the party-in-power responsive and responsible for its policy to the voters; and (hi) it makes the Opposition responsible and dignified in its criticism of the ruling party. The aim of the Opposition is "to get in" and form the government. It has, therefore, to criticise the policy and laws of the party-in-power in a sober, sensible, systematic and responsible manner so as to win the majority of votes at the next elections. It must not indulge in careless and irresponsible criticism of the good measures of the government, for it might have to adopt them itself when it steps into office. Under the multiple party system, the Opposition is irresponsible in its criticism. It indulges in intrigues in order to bring down the existing cabinet. Its sole aim is to defeat the government, by fair means or foul.

4. ***It ensures stable and strong government.*** The dual party system ensures a stable and strong government. As there are only two parties in the legislature, one of them necessarily has the majority and forms the cabinet. The government formed by one party is stable, strong and responsible. It commands majority in the legislature. The cabinet works as a team, for all its members hold the same or nearly similar views on the problems and policies of their government. They also control the support and enjoy the confidence of the members of the legislature by party discipline and organisation. As the majority in the assembly belongs to the party-in-power, they do not try to bring down the cabinet, for it is their government. The fall of their cabinet will bring their opponents into power, which they do not like at all. In the multiple party system, the cabinet is usually a coalition cabinet which is notoriously unstable. Both the ministers in the cabinet and the members of the legislature constantly intrigue with each other to overthrow the existing government and install a new one. In England where the two party system exists, the cabinets hold office for at least three years on the average, while in France, where the multiple party system existed, the cabinets had always been short-lived. The average life of a French cabinet had been six months. For instance, during the thirteen years (1945-58), France had 26 ministries, while England had only four

cabinet changes during the same period. Mrs. Margaret Thatcher has ruled the U.K. as Prime Minister for more than ten years.

5. ***It is easy to fix responsibility for failure of government under the dual party system.*** But it is not so under the multiple party system. The reason is that under the two-party system, the cabinet is formed by one party. If it fails, that particular party is blamed for its wrong policy or programme. Under the multiple party system, the cabinet is a coalition government and no one party can be blamed for the failure of its policy or actions.

6. ***It makes long-term planning and policy possible.*** As the government under the two-party system is stable and strong, it can undertake long-term planning and policy, because it expects to remain in office for a reasonably long period of time. Under the multiple party system, the executive is weak and unstable. It cannot adopt strong policy and long-term planning.

In conclusion, as Laski said, the two-party system "enables the government to drive its policy to the statute book. It makes known and intelligible the results of its failure. It brings an alternative government immediately into being." The multiple system always means that no government can be formed until after the people have chosen the legislative assembly, and even then it is a coalition government.

The Multiple Party System.

In the multiple party system there are usually several parties of various strength. Each party stands for a definite policy on one or a number of important issues. This party system exists in most of the countries of Europe and Asia. The system usually grows up among the people who are sharply divided by religious, racial and other differences. "The double party system", observes A. N. Holcombe, "is doubtless a convenient system for contented peoples, but it is not an efficient system for the expression of public opinion when the variety of opinion and intensity of conviction are great."

Its Merits.

1. It allows greater freedom of opinion to the electorate, while the bi-party system restricts it. The multiple party system affords a greater freedom of opinion to the voters, for there are several parties and a new party can be easily formed. People can express as many diverse opinions as there are parties to express them. Under the two-party system, people's opinion is necessarily restricted to two parties. In the words of Goldwin Smith, the Bi-party system presumes "a bi-section of human character", which does not really exist. It presumes that the people have only two kinds of opinion on major national problems, although they have many; but there is no other alternative. Modern State, however, is pluralistic

with great diversity of economic and other interests, which can be represented properly only by a variety of parties. Hence the multiple party system is more natural to modern political life. Ramsay Muir advocated the three-party system for his country, Great Britain, in place of her traditional two-party system.

2. The two-party system demands blind devotion both from leaders and the followers, while the multiple party system saves the country from the clutches of the two irreconcilable groups. Under two-party system, the organisational discipline and control of the party over its members is very strict. Anyone, leader or follower, who does not agree with party policy or programme, has either to submit to party control or quit. Dissenters are not tolerated. Party rebels are driven out. The voters have also to accept or reject the views of one or the other party. Indeed, the country as a whole is divided into two warring and hostile camps. But this is not the case under the group system, where different parties exist. Voters have greater choice of various views and programmes. Two or more parties form a coalition cabinet, which works by compromise and toleration. The multiple party system "does not divide the nation into irreconcilable groups. People can associate and organise without a serious compromise on principles."

3. Two-Party System leads to cabinet dictatorship and to the despotism of the majority, while the multiple party system offers chances for several alternative governments. Owing to the rigid party organisation and control, the two-party system leads to Cabinet dictatorship. In England, where this system prevails, the Cabinet has acquired dictatorial and autocratic control over the majority in the Parliament. Its supporters dare not criticise the cabinet because it is their own and its fall will put the Opposition into office. But this they bitterly dislike. Hence they blindly and sheepishly support the policies and programmes of their cabinet. This fact has also lowered the prestige of the Parliament as a sovereign legislative body. It has become subservient to the cabinet. It has also resulted in the despotism of the majority party, which is closely regimented by the party whips. All this is not possible under the multiple party system. No party has majority in the legislature. Party discipline and control cannot be strict, for a new party can be easily formed. Two or more parties form a coalition cabinet based on various combinations and bargaining. A coalition government cannot act despotically or dictatorially, because it is based on compromise and consent, and will disintegrate if excessive authority is exercised. The cabinet also cannot count upon the unchanging loyalty of its supporters in the legislature, because the members have great freedom of joining or forming other combinations of parties.

Arguments against the Multiple Party or Group System.

This system has more defects than merits, as follows:

The multiple party system has not enhanced the prestige and power of the legislature due to the constant intrigues and manoeuvrings in which the members and ministers constantly indulge. Coalition cabinets are notoriously unstable and short-lived. Government has no continuity in policy or programme. Combinations and compromises on which a coalition government depends, prevents the solution of national problems and destroys unanimity of opinion in the cabinet and the legislature. Coalition governments are weak and inefficient governments. Too many parties in a country, like two much money in the market, are bad: the one for the political health of the country and the other for its economic health.

Comparison.

Comparison of the two-party and the multiple party system reveals the fact that the latter is neither a desirable nor a practicable system. It makes administration uncertain, government weak, cabinets unstable, legislators irresponsible, and the policy of the government weak and uncertain. The executive becomes a plaything in the hands of the legislature and is unable to adopt strong policy or great measures. The legislature is 'devoted to manoeuvring' for positions which are lost almost as soon as they are occupied. "Two parties", as Dr. Finer remarks, "are better for the happiness and duty of nations than many parties. When two parties contest seats everywhere, lies and errors may be in all places challenged, while destruction of will and disintegration of outlook are reduced." The recent experience of France, Pakistan and other countries has shown that multiple party system leads to national chaos, corruption and weak and inefficient government, in itself the greatest, calamity which can befall a nation. Parliamentary system failed in these countries due solely to the multiplicity of irresponsible and intriguing parties.

One-party System.

Its rise.

Since the World War I, in many countries, like Russia, Germany, Italy, Turkey, parliamentary democracy was overthrown, and political parties were suppressed except the party which set up the dictatorship. Thus one-party government was established in these countries. Similarly, parliamentary form of government and multiple .system have been abolished in several other countries in recent years, such as Egypt, Iraq, Syria, Pakistan, Thailand, or are restricted in powers and functions as in France today.

Under the single-party government, no other parties are allowed to come into existence. The only party is the government party. At elections, the voters cast their votes for the candidates of this party. No opposition parties exist. They are forbidden by law. The people enjoy no civil liberties or rights of speech, press or association to organise any other parties. The single-party system is really an organ of the government and not an association of the votes or people. It is an instrument of government propaganda. It is totalitarian, for it controls all aspects of national life and culture. In the Fascist or Nazi Party, no discussion and criticism of the government policy or acts are allowed. In the Communist Party, the policy and programme of the government are discussed by the people, but when once decision is taken and the government has adopted a policy of programme, further discussion and criticism are not at all permissible. Party "line" once adopted is rigidly followed by the members. Even in the present day Communist countries it is proposed to set up opposition parties. They will thus have two-party or multiple party systems, as the fall of communist system in Eastern Europe has shown since 1989

POLITICAL LEADERS AND LEADERSHIP

Meaning of Leadership.

Leadership is a necessary social phenomenon. Where many people live together, with different habits, attitudes, ideas and interests and yet have to be organised for some common purpose or common goal of life, there leaders will necessarily arise. Nothing can be achieved without organisation. But organisation creates leaders and followers. Political parties are such organisations of the leaders and the led. Leadership means the hierarchical or organisational supremacy of a person or group of persons. They give unity of purpose to a large number of people by organising them into a single whole for the achievement of certain definite purposes or ideals, whether of the leaders or of the followers or of both. The nature of purposes and ideals determines the nature of leadership. A political leader is one who occupies such a position in a party as to exercise more influence upon activities, purposes or programmes than any other of its members.

The phenomenon of leadership in politics and State is a complex one. It is influenced by several factors—psychological, social, political and historical. The psychological factors are the personality, the intellectual qualities, the moral spirit and courage, imagination, clear vision, will-to-power, perseverance, or 'the gift of discipline.' Thus leadership depends upon qualities of head and heart and also of hand, especially in the past ages when men had to fight or cut their way with their swords to the front. Among the social factors are the habits and customs, beliefs and attitudes of the people, their social relations and organisations. The political factors are the nature and structure of the State, the laws and the rights and liberties granted by the laws or aspired by the people, the kind and organisation of political parties and the political ideas, attitudes and philosophies which prevail among them. The historical conditions are the conditions of war or peace, victory or defeat, social system and social evolution or the progress in culture and civilisation, and the problems and dangers which confront the nation and the country at home and abroad in the past and present. All these factors and forces will determine the kind of political leadership that will arise in a country at a particular period in its history. A people have always the kind of leaders it deserves.

There are however, various kinds of leaders: party leaders, parliamentary or legislative leaders, executive or administrative leaders and, above all, the builders of State, such as statesmen, prophets, or revolutionaries and visionaries. The party, parliamentary and administrative leaderships are of routine and visionaries type, while the Statesmen, prophets, revolutionaries and visionaries are rare phenomena which may change the destiny of their nations.

Party Leaders.

The increasing rigidity of party organisation, discipline and control is both the cause and effect of the rise of leaders in the modern political parties. Modern parties are mass organisations. They seek to enrol and enlist as many people as its members and supporters as possible. In order to win elections effectively, manage government and solve the problems confronting the State, the party must be led by someone who can achieve these ends. He becomes the party leader. He is its spokesmen before the people. He explains and defends its policies and programmes to them. He shows the party the way to victory. He cannot, however, dominate it. A good party leader is not its boss but its spokesmen. His function is to give voice to the aims and ideals for which the party stands. He is aptly described as "an uncommon man of common opinions."

Government Leadership.

Government is basically a leadership phenomenon. It consists of the rulers the leaders. Like every other machinery, governmental machinery needs a man at the steering wheel. Whatever may be said of the State in theory, in practice it means the government, which means a group of persons whose decisions are legally binding on the community. The government, as Laski says, "are the trustees and governors and it is their business to glean the needs of society and to translate those needs into terms of effective laws. The purpose of the State finds its personification in them." But government is a complex machinery, consisting of three distinct parts, viz., the legislature, the executive and the administrative departments. Each part needs different "types of leaders, for each has its own peculiar nature, purpose and functions.

The selection of political leaders is effected differently in different States. In parliamentary democracy, it is made through popular election as well as the work in the legislature. The first test of a political leader is the election. But the real test is his skill and superiority as revealed in facing the questions and criticism in the parliament, where he faces a watchful opposition. In popular elections, a mere "showman" or an "orator" might succeed. But when he stands to address the parliament, he may soon be deflated, for it tests not only his skill in public speaking but also his ability in handling technical, personal and political issues under the gaze of an opposition which will exploit any sign of weakness or failure. Those who survive this test become the real political leaders of the government. For this selective reason, the cabinet system with parliamentary responsibility of the ministers and two-party system is found to be the best means of choosing government leaders. The American system is defective. The President and other political leaders in the U.S.A. are selected, not because they had a long training in leadership in the legislature but because they prove to be the best vote-catchers in the general elections, or have been first-rate leaders in some walk of life other than political.

Administrators.

Finally we come to the bed-rock of government, the administrators, who run the administrative departments. While the governmental leaders need initiative, imagination, vision and a spirit of innovation, the administrative officers need qualities of routine, specialisation and integration. They are expert in their own fields. They must be men of insight and intelligence. Good administrators are men of wide social understanding, and intellectual vigour. They are capable of finding the best method to transform legislative policy into administrative practice.

PART VIII

THE ENDS AND FUNCTIONS OF THE STATE

Political Philosophies

> It lies in the nature of Politics that whatever is proposed as an end to be served, serves as a means to move men, and that the noblest dreams figure jointly with lower motives as the inputs available to us movers of men.
>
> *(Plato: Alcibiades.)*

> The whole of Political Science springs from the logic of the law of correlation of Freedom and Authority.
>
> *(George E.G. Catlin.)*

> The spirit of modern progress and of the political renewal is rooted in the following principle: the world is continuously remade through, and thanks to thought.
>
> *(Silvio Spaventa.)*

Ends and Functions of the State.

Problem of Ends and Means.

The views and theories about the end or purpose of the State varied from age to age, country to country, people to people and even thinker to thinker. Some regard the State as an end in itself, while others consider it as a means to an end-the end being the freedom, the well-being and happiness of the individual. Some believe that it is a power-system, a compulsive organisation, while others regard it as a welfare agency. Each of these groups is further divided into various subgroups and into various schools of political philosophy. Broadly speaking, we can divide these theories and thinkers into two main groups, that is, those who regard the State as an end in itself and as a power system, and those who regard it as means to an end and as an agency for the welfare and freedom of the individual.

The State as an end in itself.

Historically, the view that the State is an end in itself is much older than the one that it is only a means to an end. The ancient Greek philosophers, the first people means to an end. The ancient Greek philosophers, the first people who consciously thought over the nature and purpose of the State, regarded it as an end in itself rather than as a means to the realisation of an end. According to Plato and Aristotle, the State was all and the individual was the part of the whole, who could not live in all without the whole. The State existed for the good life, while an individual had no rights or freedom apart from his life in the State. Aristotle put it thus: "the State is prior to the individual". It could regulate and control all the activities of the individuals who could have no rights apart from the collective rights of society. He further said that man was by nature a political animal. It means that an individual could be at his best, develop his personality and realise his good only when he lived in the State. Outside the State, he was either a beast or a god but not a human being. From this followed that the interest of the State was the interest of the individual. He could achieve his end only through the State and, therefore, no limits could be put on the power or actions of the State.

In modern times, the German Idealist philosophers and their English followers, like Green and Bosanquet, also hold the same view of the State. They too have glorified the State as an end in itself. Hegel, the most important of the German Idealist philosophers, believes that the State

is a collective person, more real than the individuals who compose it. Its will represents prefect reason and therefore its acts are above criticism by the individuals. The individual exists for the State, while it does not exist for the individual. It has a life, a history of its own end. It is marching towards the fulfilment of its own end and purpose. The authority of the State is supreme and unlimited and cannot be restricted by the rights or freedom of the individual, by morality or religion or by the international law or rights of other nations Thus the Idealists idealized the State, or to be more exact, idolized the State as a supernatural and superhuman being, as a god whose thoughts are not our thoughts and whose ways are not our ways.

In recent times, several collectivist philosophers also assert that the State is an end in itself. They are mostly influenced in one form or other by the idealist view. Among them, on the one side, are the Socialists and Communists who believe that the State is a collective whole, against which the individual has no rights. On the other side are the German Nazis and Italian Fascists who regard the State as a power-system "with a life of its own.

The theories which regard the State as an end in itself usually emphasise the following principles:

1. The State is a higher unity, a collective whole or a natural organism, whose life and interests are quite different from the lives and interests of the individuals composing it.
2. The individual has no life apart from the State; he has no right or freedom outside or against the State.
3. The State is an eternal or permanent reality, while the individuals are temporary or transient beings; "the tree stands but the leaves wither away."
4. Hence the power and authority of the State is unlimited. No limits can be placed on what it wills or does. The individual has only one right, which is also his duty, viz., to render unconditional obedience to the State. The part cannot be greater than the whole; the individual cannot have rights against the State.
5. This view makes no distinction between the State and the society. It really believes that the two are one and the same thing. The State is the society.

But the advocates of this view do not agree as to what that end is. For the ancient Greek philosophers the end was the moral perfection of human beings. To them the State was a moral being with an ethical end. To the Idealists the end is the Idea of the State, as an unlimited development of the nation. To the socialists, the end is the common welfare of the workers and for the communists; it is the establishment of a communist society in the world, based on the equality, liberty and fraternity of the whole mankind. To the Fascists and Nazis, the end is power and national aggrandisement. These theories are described in subsequent chapters.

The State as a means to an end.

The second view is that the State is only a means to an end, the end being the rights, happiness and freedom of the individual. This view emphasises the individual as against the State. It lays stress on these principles:

1. The State is nothing but a collection of individuals who compose it. It does not exist over and above them.
2. The individual has life of his own and has rights, interests and freedoms which may not be the same as those of the State.
3. Hence the individual has a sphere of life and activities, the boundaries of which should not be transgressed by the State and interfered with by its action or power. Thus alone can the individual develop his personality and realise his real self.
4. The powers of the State are not unlimited. There are limits to what the State can do and what it should not do, if the individual is to develop his personality and realise his ends and aims of life and be his true self. The State is a means to this end or ends of the individual.
5. The State and society are quite distinct and the State cannot regulate and control the whole of human society. The State is government and, therefore, is not superhuman or supernatural. It consists of one, few or many rulers, who, as human beings, have their weaknesses and limitations. They cannot exercise unlimited power or authority over all other individuals. Hence the advocates of this view assert that to regard the State as an end in itself is to sacrifice the individual at the alter of the power of the State.

This view of the State was first dimly thought of by the ancient religious teachers and prophets. The early Christians taught "to render unto Christ what was Christ's and unto Caesar what was Caesar's." Islam also maintained the principle of limited sovereignty of the State. But these ancient thoughts did not become conscious political philosophies, as did the ancient Greek thought. The reason was very simple: the human individual had not yet come into his own. His life, his rights and interests were dependent upon the social group of which he or she was a part, namely, the family, the tribe, the caste or the estate. It was only in the modern times, first in the fifteenth-century Europe, and now all over the world, that the individual has come to acquire interests and rights of his own; hence he is now besieged with the problem of defining the sphere of the activities and powers of the State so that it does not interfere with the rights and liberty of the individual. This brings us to the need to make the State as a means for the promotion of his interests and well-being. Individualism or the *laissez fair* philosophy was the first to proclaim the rights and liberty of the individual to live a life of his own and limit the authority of the State to the maintenance of such conditions of peace and order in which he can develop his personality and achieve his own interests as best as he can. The State is not all-important and therefore cannot be all-powerful to regulate the whole life of man. Man does not live by State alone. He is a unique being himself, which cannot express itself if regulated or interfered with or regimented by the State.

But, like their opponents, the advocates of this view also do not agree as to what is the end of an individual. There are two difficulties here. As regards the end, some believe that it is individual's happiness, and well-being, while others believe that it is social welfare. As regards the means, they differ greatly. The anarchists believe that the State should be scraped altogether as it is an evil thing. The individualists also dislike the State but regard it as a necessary evil—a necessary bad means to do some good, though the less of it the better. The present-day Pluralists seek to deprive it of its sovereignty as the only safeguard against the abuse of unlimited authority and power. The advocates of welfare State try to utilize the State as an instrument of social service.

Conclusion.

There is some truth in both views. But both are one-sided. Those who assert that the State is an end in itself neglect the rights of the individual. They believe that the will of the State is real, while the individual will is unreal, for he does not know his real interests, which the State knows. It may not be so. The State may be inspired by evil motives and its will may prove harmful to the individuals. Really there is no will of the State except what results from the conflict of the wills of the individuals, which contend with each other for the mastery of social control. On the other hand, State is not merely an instrument to preserve peace and order, but has a continuity which extends beyond the interests and lives of the individuals. It creates conditions in which alone the individual can attain the higher ends of life. The State may be compelled to impose restrictions on the individuals and even call upon them to make sacrifices either for its own preservation or in the interest of the future generations or for the common good. We should judge the value and importance of the State only by its results. A sound view of the end of the State is that it is a "partnership in every virtue and in all perfection."

Sphere of the State activity or the Limits of political control.

We now turn our attention to the practical problem of what the State should do or should not do. It is question of the functions of the State. The functions of the State constantly change with the conditions and progress in the society. Mill has correctly remarked that the proper functions of the State are not a fixed thing, but vary in different conditions of society. In political philosophy, there have been two theories of State functions: (i) Individualism which limited the functions of the State to the bare minimum of such necessary activities as maintenance of peace and order, enforcement of contracts and the defence of the State, and (ii) Socialism which seeks to maximise the functions of the State to the utmost. Both are extreme views, as we shall discuss later. Here it is necessary to say that the actual functions performed by a modern government are constantly increasing and the sphere of State activity is ever widening, as we have described in chapter 30.

Limits of State activity and political control.

The problem of the sphere of State activity or of the limits of political control has two sides, negative and positive, i.e., what the State should do and what it should not do. Although no finality in theory or views of the functions of the State is found among various writers and politicians, we shall define the limits of State-activity as suggested by them, in both theory and practice.

Things which the State should not do.

(1) Freedom of Opinion.

The State should not control the expression of opinion, whether it is acceptable to it or not. The main purpose of the State is to develop the personality of its citizens. It can be attained when they have the freedom to think and express their opinions. Freedom of opinion is obviously the first thing which shall be outside the sphere of State control. Only such expression of opinion can be controlled by the State which incites others to break law, disturbs public peace or is a malicious slander and libel. But so long as a citizen obeys laws, he should be free to criticise a law to his hart's content and agitate for its repeal or modification. Censorship by the State is not justifiable because, as MacIver says, 'it treats men as though they were children."

(2) Religion and Morality.

The State should not prescribe religion or morality. Religion arises really from the sentiments or hearts of the people, where the hand of the State cannot reach. Similarly, morality is a matter of conscience, or inner voice of a man which cannot be dictated by the power of the State Law or the power of the State cannot enforce moral principles as legal commands. It often happens that what is morally good may not be legally enforceable. Moreover, morality develops when one's conscience is free to act. The moment the State makes a moral rule legally binding, its true spirit vanishes and it becomes a matter of outward observance.

(3) Customs and fashions.

The State cannot directly create customs and fashions. They arise unconsciously among the people. Nevertheless, the State should endeavour to suppress evil customs, child marriage, because they have deleterious effects upon the social life of the nation and cause degeneration and demoralisation of the people.[56]

(4) Culture.

Like the customs and fashion, culture is also an unconscious evolution of popular mind. It is an expression of the spirit of the people or of an age. The State cannot produce it. No law of the State can dictate it. Yet the State can influence its development and diffusion.

What the State should do.

In the present times, there is a greater emphasis on the positive role of the State, because it is now clearly realised that "the influence of the State permeates all our relations, even those of the personal kind." Accordingly, the State should do the following things:

(1) Free personality.

First of all, the State should create conditions for the growth of free individuality and personality of its citizens. "The business of the State," said T H. Green, "is not merely the business of a policeman, of arresting wrongdoers, or of ruthlessly enforcing contracts but of providing for men an equal change, as far as possible, of realising what is best in their intellectual and moral natures."

(2) External conditions of peace, order and protection.

Human personality in general cannot develop freely without "those external conditions of social living which are of universal concern in view of the acknowledged objects of human desire." These conditions are, as MacIver mentioned, peace and order, protection, conservation and development. The State must maintain peace and order, not because it is a sort of universal policeman but because in peaceful and orderly atmosphere alone each individual can rise to the full stature of his personality. In other words, man develops his individuality and personality only when the State regulates the dealings of the citizens with one another, prevents confusion and chaos, maintains the rights of its citizens and enforces their duties. The State should maintain order not for the sake of order but for the higher ends of protection, conservation and development. Modern State cannot become a mere police-State, as the *laissez faire* wanted it to be. It is a positive State, for it actively creates conditions of human development and welfare. "The same reason," writes Garner, "which justified the State at first in protecting person and property against violation, justified it yesterday in abolishing slavery, justifies it today in abolishing ignorance, and will justify it tomorrow in abolishing other degrading conditions of life."

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[56] For a detailed study of the effects of the Purdah and such other insinuation on Muslim life, Family and Society see *Purdah and Polygamy* by Mazhar ul Haq.

(3) **Social Welfare.**

The State protects and promotes the welfare and well-being of the individual by preserving law and order. But this is not enough. Mere protection of the rights of an individual and enforcement of his duties do not exhaust the list of its functions. Every State now espouses the cause of the economically and socially weak, "so that the mere requisites of health and decency shall not be denied by accident or misfortune or incapacity to any member of the community" (MacIver). Furthermore, modern State now assumes the duty of promoting general welfare. It is now clearly realised that the State is a collective body and not a joint-stock company of the privileged fee. It should promote social conditions for the welfare of all. It is now universally recognised that society cannot be happy, prosperous and progressive if some people suffer from the pangs of hunger, or are illiterate and ignorant, or are unhealthy and miserable. Modern society is becoming collectivistic. Hence modern State can no longer be individualistic, as it was in the nineteenth century. It is now recognised that State should interfere and regulate social life, if such interference and regulation will promote general welfare. Hence the sphere of State activity should extend to new fields of social and national life, for there are many things of general well-being which are not provided by the efforts of individuals and associations either because their private efforts are insufficient or they are incapable of doing so.

(4) **Conservation and development.**

The State is the custodian of the future of the nation. It must conserve what the nation has now and develop its resources for the future generations. "The State with its command of resources and its universal reach can build for the future in ways that no partial organisation can exert." It can undertake many constructive plans and projects whose benefits will be shared by the future generations. Individual or private enterprise does not undertake them, because it is selfish, its resources are limited, its method haphazard and it aims at immediate gain. The State suffers from no such limitations or short comings. While private enterprise cannot risk its limited resources in long-term projects, the State can undertake ambitious plans and schemes of conservation and development, as it possesses abundant resources. It can develop national economy by planning and building industry, and agriculture, by undertaking industrial and scientific research and discovery, and encouraging such higher activities of life as science, literature and art. In short, it can promote culture and civilisation.

Actual functions of the State or government.

The functions of the State means the particular activities in which a State or government is actually engaged. They vary from country to country and from time to time according to the underlying philosophy or ideology of the State, the sphere of its activity, and the degree of its political, economic and social development.

Various authors have classified the functions of the State in different ways they may be classified as Essential and Optional functions.

(1) **Essential, normal or constituent functions** are those which must be performed by every government in order to preserve its existence against internal and foreign dangers. They are the *sine qua non* of the State's existence and security. They are of four kinds. *Firstly,* the defence of the State against external enemies, aggression and internal rebels. This is its military function, for which it maintains armed forces and defence system. *Secondly,* the maintenance of law and order in the country for safeguarding life .and property of its citizens. This is its police function, for which it maintains a police force, and security department law-courts, jails, etc. *Thirdly,* foreign relations with other States for such purposes as international intercourse, diplomacy, alliances, and intelligence, and sends diplomatic representatives to other States and itself receives theirs and participates in inter-State and international conferences and organisations *Lastly,* the State has to collect taxes and dues to finance the fulfilment of its essential and non-essential functions.

(2) **Optional or ministrant functions** are those which a State may or may not perform without danger to its existence and security, but are natural to the higher ends and purposes for which the State exists. They are meant to promote the intellectual, moral, social, economic and cultural well-being and welfare of the people. Their performance is necessary if the State is a welfare State and not a police State. The individualist and *laissez faire* theory of the nineteenth century condemned the performance of these functions, but they are now indispensable for the present-day welfare or service State. Indeed, the State can achieve its supreme ends of protection, conservation and development only when it performs these necessary functions. Not only these functions are numerous but these are constantly increasing in numbers and importance. It is, indeed, difficult to enumerate them. We give here a bare enumeration of some of them:

(i) **Regulation of trade, industry and agriculture.** This implies such things as control of currency, fixing of weights and measures, issuing trade licences, factory legislation, control of imports and exports, trade policy, etc.

(ii) **Regulation of Labour conditions:** the State performs the functions by fixing working hours, settling labour-capital disputes, strikes and lock-outs, by dealing with such economic problems as unemployment, housing conditions of the working classes, relations of tenants and landlords, improving conditions of work on farms and factories, etc.

(iii) **Development of works of public utility,** such as posts and telegraph, roads and railways, canals and bridges, water, electricity and gas supply, transport, parks and gardens, etc.

(v) **Education.** Spread of education and knowledge from kindergarten to the university level has become one of the most important functions of the modern government. State opens schools colleges, universities, technical and professional colleges and institutions, looks after such educational needs as adult education, female education, public libraries, etc., and encourages fine arts, sciences, literature, etc., sets up zoos and museums, libraries, art galleries, physical culture centres, parks, etc.

(vi) **Public Health, Sanitation and Medical Relief.** The State seeks to protect public health by fighting diseases, epidemics, enforcing laws of health (e.g., against adulterated food), and sanitation and providing medical relief by opening hospitals, dispensaries, vaccination centres, etc.

(vii) **Social Security.** In the past, private charity and family care looked after the aged, the sick, the needy and the poor or distressed. But now many advanced States have assumed responsibility for them. They provide security for them by undertaking various plans and schemes of social care and insurance, e.g., old age pensions, unemployment insurance, old people houses etc.

(viii) **Moral and Social Reforms.** Modern State endeavours to enhance the moral tone of the society by undertaking various moral and social reforms, such as regulating family life, marriage, divorce, giving property rights to women, prohibiting the sale and consumption of alcoholic drinks and drugs, etc.

STATE AS POWER

Some writers regard the State as a power-system and exalt power, coercion and violence as the ends of the State. They subordinate the rights and freedom of the individual to this end. They declare that the will of the State is supreme over the wills of the individuals. They regard the exercise of power as the characteristic expression of the State and coercion as the primary condition of social control and organisation. Ancient Sparta, Napoleonic France, Fascist Italy and Nazi Germany are examples of States which made power and domination their main aims and ends. Such a view of the State is based old belief that it is the "natural law that the strong rules." Modern German writers are the most outspoken in defining State as a power-organisation. Treitschke, the Prussian historian, defined the State as "the public power of offence and defence, the first task of which is the making of war and the administration of justice." Another German writer, General von Bernhardi, said, 'The first and paramount law is the assertion of one's own independent existence. Might is the supreme right, and the dispute as to what is right is decided by the arbitrament of war. War gives a biologically correct decision, since its decisions rest on the very nature of things." Herr Hitler, the Fuhrer of Nazi Germany, declared that the ultimate object of the State, organised as a power-system, is the utter destruction and extermination of all rival power, nations and races, for, as he said, "the strong is the strongest when alone."

Criticism.

There is an element of truth in the conception of the State as power. Power or force and coercion do play a role in the evolution, organisation and maintenance of the State, both inside the State and outside, with other States. Power, is indeed, necessary to organise social life. It is, as Bertrand Russell says, as necessary to politics as energy is to physics. Political relationship between the rulers and the ruled are really power relations, actual or potential. Viewed thus, the State appears as the mechanism by which the will of the rulers or government is able to influence the wills of the individuals and determine their behaviour through its orders, and laws, even against their wishes. The State is the regulating power of the society. It has the monopoly of the coercive power, for thus alone can the unity, peace and security of the society be preserved. It enforces laws to maintain peace and justice. According to Laski, "Men moves differently to the attainment of conflicting desires; a coercive authority is therefore necessary to define the terms on which that movement may legitimately proceed, to lay down the rules of permissible social behaviour."

Although power is a necessary weapon in the hands of the State, it is, however, not its essence and basis. Paradoxical though it may seem, the less the State uses actual coercive power, the stronger it will become and the better it will be for all concerned. It will make the State stable and it will give freedom to the individuals. It will afford greater opportunity for the development of human personality. It will promote general welfare. Excessive and unintelligent use of power will destroy not only "material goods but also the cultural gains, the spirit of truth, the work of the mind, the fertility of thought." Hence, instead of extolling the State as power-system, the need is to see that it uses power to enhance the common welfare and promote common interest. In a true theory of State', the use of power, as MacIver says, "comes to be adjudged by its value to the society rather than by its value to the ruler." In fact, the advocates of the State as a power-system believe that the State exists only to perform the essential functions of peace and order, defence and security. They neglect its optional functions. Modern view regards the State as a welfare State. We judge a State not by what it is or claims to be, but what it actually does for the good of the people.

STATE AS SERVICE: WELFARE STATE

State as Service: concept of the Welfare State.

If the advocates of the view of the State as a power-system emphasise the role of power of the State to perform its essential functions, the advocates of the welfare State emphasise its role as an agency of social service, for performing the ministrant or optional functions of the government. In fact, both these views of the State arise from the age-old and yet unsolved question of the interrelation between the State and society. While the theory of the State as power denies this distinction and asserts that the State has full control over the society, the theory of welfare State asserts that it exists to promote the general welfare of the society or community as a whole. It exists for social service. It possesses power to serve and command. It "does not posses power without condition," as Laski remarks. "It possesses power because it has duties. It is judged, not by what it is in theory, but by what it does in practice." It is, therefore, the business of the State to find the needs of society and to satisfy them by providing conditions and opportunities for them. The conditions are those which enable all classes and sections of the society to achieve the fullest development of their life and personality, happiness and well-being. The State commands only because it serves and owns only be-cause it owes." It has become an agent of service and welfare of the society.

Rise of the Welfare State.

The rise of the welfare State can be traced to several causes and conditions of the modern age. First of all, it is a result of the breakdown of the *laissez faire* system of the Nineteenth Century. *Laissez faire* required the State to confine its functions and activities to mere protection and defence of the State from internal and external disturbances. It was not to interfere in anyway in the economic and social activities of the individuals, in which they were to be left alone to their individual efforts, initiative and intelligence. The State was to be a 'police State', to maintain law and order. But this view of the State action, or rather inaction, resulted in much social and economic distress, especially for the working classes and poorer sections of the society. *Secondly,* the total nature of the modern wars, especially of the world wars, with their mass-destruction during the war and in its after-effects on the national economy and society, also required a better redistribution of national resources and wealth. The danger of the new world-war, the so-called "third world war," also compels the modern States to do social justice at home in order to fight the future war, a national war, with the wholehearted support of all classes and sections of the nation. Discontented classes in the nation are a source of weakness and a danger in times of war. Hence the nation State must become a welfare State for the common good of all classes, and not of the privileged few, if it is to fight wars successfully. "The waging of modern war presupposes," writes Prof. R. Titmus, "and imposes a great increase in social discipline; moreover, this discipline is only tolerable if-and only if—social inequalities are not intolerable." Hence Great Britain and other Great Powers adopted a programme of social service both before and after the World War II. The third factor in the rise of the welfare State is the challenge of the new "communist States", life that of the Society Union, etc. They can be well described as "total welfare States" for they profess to harness or plan all the national resources of the country not for the profit of the few but for the service or welfare of all. Thus the "communist challenge" becomes at once a political, social, economic, ideological and military challenge to the industrially advanced Western States. It has compelled them to undertake social and economic planning for the general welfare of their unprivileged classes and sections of the society. With the collapse of the communist system, as at present, this challenge, will decrease and even vanish. Lastly tremendous, epoch-making advances in science, technology and engineering have placed at the disposal of the modern States, especially highly industrialised countries, such huge economic resources in money, energy and power, that it is now possible to produce and distribute unlimited and abundant wealth and material goods among all classes and sections of the society. "As the wealth created by modern industry increases it is contended that there is enough to assure everyone, including the physically and mentally handicapped, of adequate support without unfairly penalizing or impairing the initiative of the talented and enterprising. An income large enough to provide the basic necessities of life in adequate measure is regarded as the right of every member of society. If income of some body falls short, it should be supplemented not as an act of charity, but as an act of social justice." What private enterprise could produce fitfully and meagrely can now be produced by planned and socialised or nationalised industry, science and technology in abundance. Hence it is the duty of the welfare State not only to harness modern resources of science, industry and technology by proper use of manpower but also to distribute it equitably and justly for the welfare of all people, without any regard for the privileged classes, as it was in the past.

Aims of the Welfare State.

The welfare State is first and foremost a social service State. It seeks to free the unprivileged classes, the workers, the unemployed, the poor and the needy, from the fear of want and from the fear of social misery, like unemployment, diseases, ill-health, lack of education, or medical care. In other words, it seeks to protect the weak from the competition and exploitation of the economically strong, e.g., the workers from their employers. The goal is a better life for every individual, by protecting the weaker members of the society from the worst effect of economic distress and pressures of the private enterprise and capitalist economy. For this purpose, the welfare State undertakes such activities and functions, duties and responsibilities as the national health schemes, unemployment insurance, old-age pensions, a national system of employment exchange, free meals for needy school children, free compulsory education at primary and secondary stages, maternity and child welfare services, etc.

Secondly, the welfare State aims at the socialisation or nationalisation of some 'key industries'. This is done partly to find money to finance the increased budget expenditures of the "welfare" programmes and schemes, but mainly to conserve and develop the natural resources of nation in industry and trade. This necessitates a new attitude towards public finance and towards the capitalist system of free enterprise. The welfare State is an expensive State, as compared to the *Laissez Faire* State of the past. It has to spend more and, therefore, has to tap new sources of income and revenue. This can be done to some extent and for some time by increase in taxes. But it needs really an increase in national production, which means more production and better distribution of national wealth. 'The two chief conditions." as Hugh Dalton puts it, "of an increase in the economic welfare are, *firstly,* improvement in productive powers, and, *secondly,* improvements in the distribution of what is produced." Social security and social welfare schemes places a heavy burden of expenditure upon the State: they are "cheques which the nation has drawn on the future." Only a healthy and prosperous economy can carry such a burden. That is why the 'welfare State' has to concern itself with the development and reorganisation of national economy. It has to keep farms, business and industry in sound condition, so that the whole economy function at a high level of production and consumption. This is done, *firstly,* by aiding private enterprise to increase production by such methods as price support schemes, guarantee of secure markets, creating cartels and monopolies for capturing foreign markets, etc. The second method is nationalisation or socialisation of some privately-owned industries. Here the government itself becomes a producer and itself undertakes the process of production and distribution. It does not merely confine itself to the traditional responsibilities of regulating and promoting private economy. It becomes itself the owner of economic enterprises and the producer of economic goods. But the 'welfare State' does not undertake 'total' nationalisation, as the communist State docs. It nationalises or socialises only a few selected industries and enterprises, such as the coal mines, railways and transport, central banking, telecommunication and aviation, gas and electricity and the like. It still leaves the bulk of the national economy in the hands of the private ownership and free enterprise. Hence the Welfare, State' is also described as a 'mixed State,' for its national economy contains both private and public ownership and enterprise.

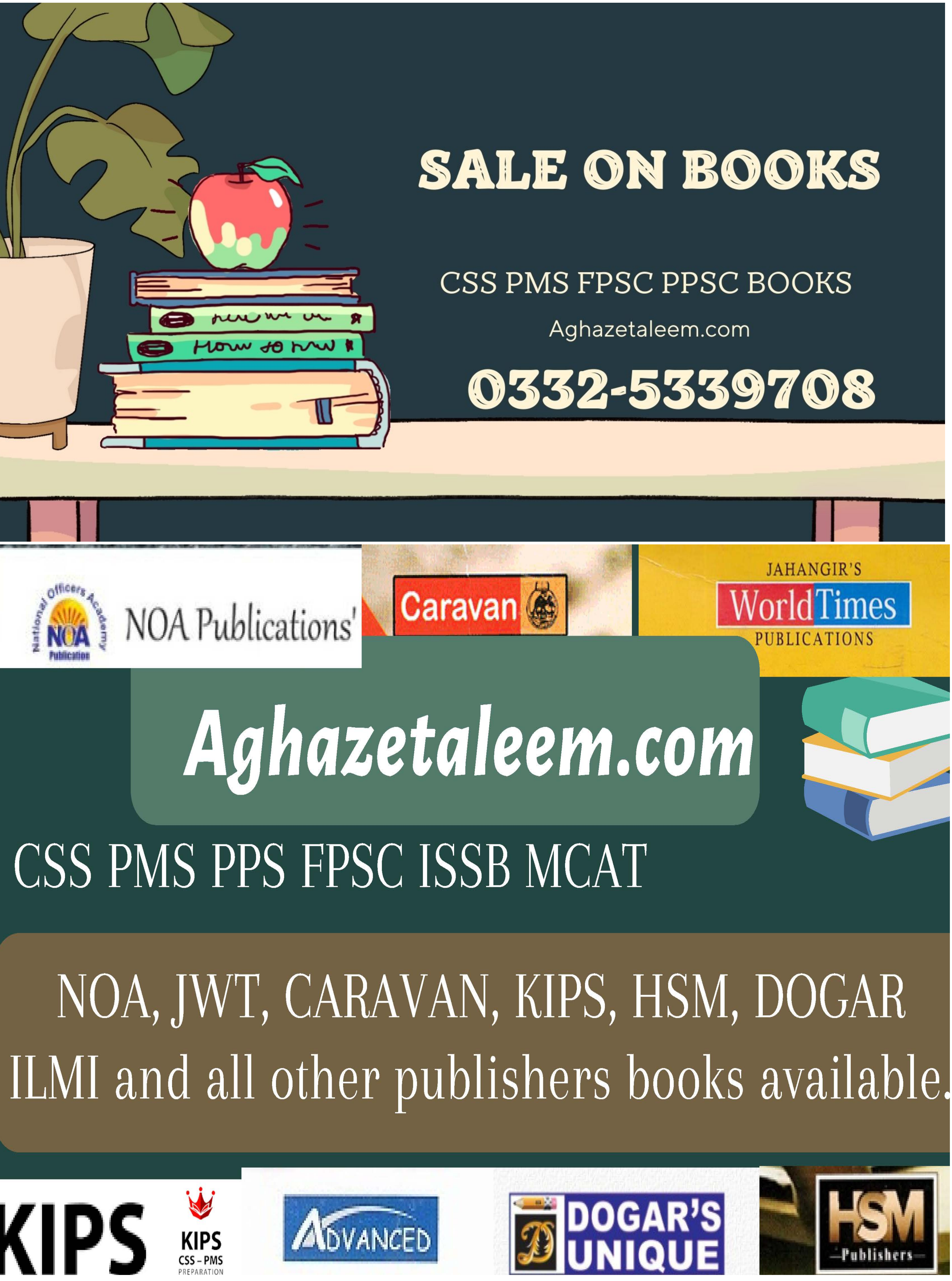
Finally, the welfare State has to undertake social and economic planning, because by planning alone can it keep private and public—owned industries and enterprises at full employment and production and the standards of living at high level. Here again it does not undertake 'total' planning of a communist State, but only a partial one, although it may be difficult to devise a scientific policy of planning with its 'mixed' economy.

Merits of the Welfare State.

Many modern States have become social service and welfare States of one form or another. The 'police State' of the *laissez faire* period is dead. The functions of the State have multiplied and are constantly increasing. The sphere of State activities is becoming ever wider. But this increase in State action does not lessen or restrict the sphere of individual liberty and democratic rights and processes. The aims of the welfare State are to be achieved through democratic parliamentary methods. The freedom from want and freedom from fear are secured along with freedom of expression and "association, at least in Great Britain. Welfare State is a socialised State, based on "constitutional socialism." So great is the urgency and importance of the welfare State in modern conditions that the industrially backward and under-developed countries, like India and Pakistan, have proclaimed their ideal to be "welfare States", although they do not possess enough economic resources and wealth to do so. This ideal of the Welfare State was laid down in the 'directive principles of State Policy' in the Pakistan Constitution of 1973.

Arguments against the Welfare State.

The 'welfare State' as it exists in England, France and other Western countries, has been criticised for its weaknesses and dangers. It is said to threaten the democratic rights and freedoms of the individual, restrict free enterprise by introducing planning and regimentation of private industry. The 'mixed' economy of the welfare State is economically a "conspicuous waste" of national resources and energy, initiative and enterprise. "Such a 'mixed' State becomes like a dog in a barnyard. It cannot lay eggs, and it will not let the hens (that is, the private enterprise and the capitalists) do so. As the standards of law, order, value or money and social obligation decline, the hope of individuals in the future of such a State declines. All spend what they earn." Thus capital formation stops and the society becomes static. Moreover, the "welfare State' can exist only in industrially advanced and rich countries, which can maintain their artificially enhanced standards of living. It divides the world into have and have—not nations of the developed North and the underdeveloped South.



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PART IX

MODERN POLITICAL THEORIES

Chapter 39

Individualism

Various Theories of the End and Functions of the State.

There are various theories of the end and functions of the State. This is, firstly, due to the different views about the nature and purpose of the State; secondly, its relation to the individual; and thirdly, its role in the society, that is, in the social or group life of individual. As these views and attitudes towards the State, society and the individual and their interrelations are conditioned by the historical environment of the age. The diversity of their views and theories becomes all the more greater. For our purpose, however, these diverse theories of the end of the State can be grouped under four different kinds, viz., Individualism; Socialism and its various forms: Fascism and Anarchism.

INDIVIDUALISM

Individualism is the first modern theory of the State. It arose at the time of the Industrial Revolution in the eighteenth century.

History of Individualism.

For more than a century, from the end of the eighteenth to the end of the nineteenth centuries, Individualism was the dominant political theory in European countries, especially in France and England. It was first propounded as an economic and ethical doctrine. Afterwards it also became a social and political theory. Finally, at the end of the 19th century, it developed into a scientific or biological theory of human life and society. But then it became unpopular and discredited as a proper theory of the State. Its place was taken by Socialism. It was again presented in a new form in the present century and is now called "Modern Individualism". We shall first deal with its earlier form.

Economic Theory of Laissez Faire.

Individualism first originated in Eighteenth-century France. Like other European countries in those days, France had adopted the economic doctrine of Mercantilism. The French school of economists, called the Physocrates, headed by Quesnay, criticised Mercantilism or governmental regulation of trade and industry as contrary to the principles of natural rights to live as he liked. The Physocrates declared that the production of national wealth should not be interfered with by the governmental laws and regulations, but should be left alone. They expressed their views in these phrases: *"laissez faire. Laissez passer"*--let alone to do, let it pass. The only usiness of the government, according to them, was to protect private operty, and guarantee free competition and sanctity of contract.

dam Smith and the Laissez-Faire Theory.

It was, however, Adam Smith and other English classical conomists who further developed and perfected the economic doctrines of he Physocrates. In his book, *The Wealth of Nations* (1776), Adam Smith resented them in a scientific form, which became widely popular. He enounced the laws which restricted trade and free exchange of ommodities and free employment of workers by the employers. He sserted that the traders, employers and workers knew their interest better han the government and therefore, their relations should not be regulated by it. In other words, there should be free competition among them. The State should confine itself to protecting private property, the right of contract and guarantee freedom of competition and self-interest. So great was the influence *of laissez-faire* that all European Governments adopted it in their policies and legislation during 1820-80

Mill's Theory of Individual Liberty:

In the middle of the nineteenth century, Individualism was further developed by John Stuart Mill as a theory of individual liberty. He Stated it in his famous booklet *On Liberty* (1859) in classical terms as thus:

The State can serve its purpose of promoting the happiness and interests of the individual by not interfering in his life as much as possible. There are two occasions for such interference: expression of opinion and human behaviour and conduct. As regards opinion, Mill pleads for unlimited freedom of expression of opinion to all individuals. He grants this freedom even to the 'cranks' on the ground that while nine cranks out of ten are harmless idiots, the tenth is of greater value to mankind than all the normal persons who seek to suppress him. Mill defends the freedom of opinion of an individual not only against State interference but also against orthodox opinion of the majority, which should not suppress the opinions and views of the minority. "Mankind", says Mill, "are greater gainers by suffering each other to live as seems good to them, than by compelling each to live as seems good to the rest."

As regards individual conduct or action, Mill makes a distinction between actions which affect the individual alone, are called 'self-regarding' and those which affect other individuals are called 'other-regarding'. The government should interfere or regulate only such actions of the individual which affect other individuals. 'The sole end", writes Mill, "for which mankind are warranted individually or collectively in interfering with liberty of action of any of their members is self-protection. The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. The only part of the conduct of anyone for which he is amenable to society is that which concerns others. In the part which merely concerns him, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign." Thus Mill justified full liberty to the individual both in opinion and in such a course of action which affected him. His critics point out that it is difficult, if not impossible, to distinguish between self-regarding and other-regarding actions.

Herbert Spencer's biological theory of Individualism.

After Mill, Herbert Spencer presented the most elaborate defence of the *Laissez faire* or Individualist theory. He asserted that the "State existed because of the inherent selfishness perversity of human beings, who could be curbed only by the State from doing violence or injury to others." As he said, government exists because crime exists. It means that the government has only negative functions to prevent and punish crime and violence. It has no positive function. It must not help the citizens by providing education, sanitation, or health facilities. He condemned the construction of public works by the State, except for national defence, because they restrict the liberty of trade. Spencer was deeply influenced by Darwin's theory of evolution, which he applied to human society. He believed though somewhat inconsistently, that society is like an animal organism, in which the same sort of struggle for existence is taking place as in the animal world, as a result of which only the fittest individuals- survive. Accordingly, Spencer denounced all forms of State relief to the poor, the sick, the invalid and the like He condemned all social efforts on behalf of the distressed. Thus the gentle creed of Mill was transformed by Spencer into a harsh and relentless doctrine of the survival of the fittest. It was the reason why Individualist theory became discredited and unpopular at the end of the 19th century, and socialist theories became more popular.

Basic Principles of Individualism.

Although there are many differences among various Individualists, yet they agree on certain basic principles of their philosophy. These are as follows:

(1) ***State is a necessary evil.*** First of all, the Individualists, like the Anarchists, believe that the State is an evil. But, unlike the Anarchists, they regard it as a necessary evil. It is necessary because men are selfish, egoistic, aggressive and violent and have, therefore, to be prevented from doing harm to each other. As Spencer said, the State exists because crime exists; and it will cease to exist, when men will become peaceful and moral.

(2) ***Functions of the State are merely negative, and restricted.*** As the government is a necessary evil, the sphere of its activity and power should be restricted to the narrowest possible limits, because

us alone the individual can enjoy maximum liberty. Where there is law cessarily restricts liberty of the individual. Every extension of the State's ower limits the freedom of the individual. Hence its functions should be nfined to the necessary minimum of preventing and punishing crimes. he State can interfere in individual life only to prevent interference by ther individuals. The functions of the State are merely negative, that is, to nder crime, preserve peace, and maintain contract. The State does not xist for the promotion of individual happiness or common good. It exists merely because crime exists and its principal function, therefore, is to rotect and restrain, not to foster and promote."

(3) ***The individual is the end, the State is a means.*** Unlike he Idealists, the Individualists emphasise the primary role of the individual n the society and State. The individual and his happiness are real, and the State is a means to them. Individuals make the society: the happiness and well-being of the individuals is the social well-being. The State has no life f its own beside the life and happiness of the individuals composing it.

(4) ***Individual has full liberty and rights to live as he thinks best.*** Lastly, as the individual is the centre of all social life, it is "for him and by him that the whole social structure exists and derives its being." The individual should, therefore, be left free to do whatever he likes, in order to develop his personality and seek his good. He is the best judge of his own interests. "The only freedom which deserves the name," writes Mill, "is that of pursuing our own good in our own way, so long as we do not attempt to deprive others, or impede their own efforts to obtain it. Each is the proper guardian of his own health, whether bodily or mental and spiritual. Mankind are greater gainers by suffering each other to live as seems good to them, than by compelling each to live as seems good to the rest."

Arguments in favour of Individualism.

Individualism is justified on several grounds by various writers, as described here:

Ethical Arguments.

The ethical and psychological arguments were advanced in favour of individual liberty and against State interference and regulation by such great scholars as Mill, Kant, Fichte and Humboldt. According to them man knows his interest best and, therefore, the more he is let alone by the State, the more will he develop his powers, character and personality. Mill says that an excess of government 'starves the development of some portion of the bodily or mental faculties, when it deprives one from doing what one is inclined to do, from acting to one's judgment of what is desirable." *Freedom alone enables men to develop their faculties* and achieve the highest level of civilisation. "Nature submits to him who most energetically and resolutely assails her." Self-interest is a part of human nature and each individual knows best where his interest lies. Moreover, self-help is the best help. In over-government, says Mill, makes people look always to the government to do everything for them. Justice, reason and natural law demand that the individual should be left alone to develop his powers, character and personality to the highest degree.

Economic Argument.

The economic argument of Individualism is simple: it pays to let the individual alone. It is natural that everyone seeks his own interest. It will benefit both the individual and the society when he is left alone to seek his own interest. If left to him, the self-interest of the industrialist will make him to invest his capital in such enterprises which will bring him the highest profit. The self-interest of the worker will make him work where he gets the highest wage; and the self-interest of the consumer will enable him to buy things which are the cheapest. Thus the policy of *laissez fairs* will make the individuals to utilise land, labour, capital and organisation not only for their highest gain but also for the greatest good of the whole community, while State interference and regulation will hinder industry and trade and will harm the nation. Nineteenth-century Individualist pointed to the tremendous progress and prosperity which Great Britain attained due to the policy of *laissez faire* and free trade during the second half of the nineteenth century.

Biological Argument.

Herbert Spencer endeavoured to justify Individualism by the scientific argument derived from the Theory of Evolution. According to him, society progresses in the same way as the animal world in which there is the struggle for existence, resulting in the elimination of the weak and the unfit and the survival of the fittest. In the struggle for existence in the society, the weak, the sick, the invalid and the indigent must go to the wall, and the rich, the healthy and the successful who have secured the good things of life should survive. It is unnatural for the government and other charitable institutions to come to the aid and relief of the poor, the sick and the needy and thus enable them to survive, although Nature has condemned them to death and extinction. However hard it may seem when applied to individual cases, the interests of humanity demand the elimination of the unfit.

Political Argument.

Before the rise of Individualism, absolutist kings and rulers sought to interfere and regulate every aspect of industry and trade, life and customs of the society. This was regarded as excessive government or over-government. "Men desired to govern themselves, but they also wanted as little government as possible." They believed that *"the best government is that which governs least."* The State can best further the happiness of individuals by interfering in their personal affairs as little as possible. 'The le duty of government is to protect the individuals from violence and aud". Mill said.

rgument of State incompetence.

The exponents of individualism deny that the State is an omni ompetent, omniscient and omnipotent force in human society, as the Idealists assert. Of the contrary, they belittle the importance and role of the State in human life and society. They assert that the *omni competent* State is eally an *incompetent* State. They reject the Idealist attributes *of mniscience* and infallibility of the State or that the State is better able to judge what is good for the individual. They also deny the common belief that the government can do things better and more efficiently than the ndividuals. On the contrary, they assert that government is always an inefficient manager, a careless director, and an unintelligent entrepreneur. Moreover, the governmental operations are weakened by red-tapism, routine, bad economy, unnecessary delays and corruption. Things done by the government, said Mill, are done worse than those done by individuals who have personal stake in their successful working and are most interested in them, for they know their own business better and care for it more than any government.

Argument from history and experience.

Lastly, the supporters of Individualism and *laissez faire* policy appeal to history and past experience to show the folly of governmental interference and regulation and thereby try to show the wisdom of a policy of non-interference. They say that all attempts by the government in the past to regulate industry and trade, fix prices and wages, determine hours of work, prohibit or interfere in people's fashions of dress and food, and prescribe the location of industries or factories, etc., have not only resulted in failure and inefficiency but also in political corruption and mischief. As compared to governmental failures and follies, the Individualists point to the record of positive achievements by individual effort. All great achievements in science and learning, industry and trade, arts and culture in the history of mankind are the results of individual initiative and enterprise in conditions in which the individuals enjoyed freedom from governmental interference and regulations.

CRITICISM OF THE INDIVIDUALIST THEORY

Since the end of the 19th century. Individualism as a political philosophy and laissez faire as a governmental policy, have been subjected to criticism as described here:

1. Individualism is based on unsound philosophy.

The basis of Individualism is unsound. It is based on the belief that the State is an artificial device, or a sort of joint-stock company, while the individual possesses 'natural rights' and that there is some sort of 'natural' order of development which would create harmony among individuals if only the State were not to interfere or regulate their activities. This is a wrong notion of human society and State. As we know, rights of the individual do not exist outside the State. Moreover, the State is as 'natural' as the rights of the individual, for the State is the expression of the very nature of man. Lastly, the 'natural' order of the Individualists like Spencer is really the 'natural order' of the jungle, where the strong destroys the weak. They have also an equally false notion of "self".

2. The State is not a necessary evil.

The assumption of the Individualists that the State is a necessary evil is essentially wrong. The correct view, as Aristotle expressed it more than two thousand years ago, is that the State came into being to make life possible and continues to exist to make it good. It is necessary for human existence. "History", writes Garner, "shows unmistakably that the progress of civilization in the past has been promoted to a very large degree by wisely directed State action; in short, that the State is a positive good" Over-government may be an evil, but government in itself is not only a necessity but also a positive good.

3. Individualism is based on a wrong theory or State functions.

Individualists have reduced the functions of the State to the bare minimum of protecting the person and property against force and fraud. But this view reduces the State to a merely 'negative' or 'police' State, as it gives to it a mere repressive and 'negatively regulative' role of preventing crime and defending the country against internal and external enemies. Modern State is a positive State with a higher role to play. It has the positive role of protecting, encouraging and promoting common welfare. It is a welfare or social service State, and is also a socialist State, with unlimited functions to fulfil.

4. Increasing necessity for State regulation.

Although excessive State regulation and interference weakens the spirit of initiative and self-help of the individual, yet this evil has been unnecessarily exaggerated by the Individualists. As a matter of fact, there is an increasing necessity for State regulation in the modern society and industry. In modern times State, regulation is necessary in both backward communities and in the complex industrial societies. Indeed, the individualists failed to realise that, as civilization progresses, men become more and more dependent upon one another and upon the society as a whole. They believed that the individual could exist in isolation. This is impossible. Moreover, such individualism as Spencer preached is wholly impossible under the conditions of modern society. The individualists belittle the benefit which the State can confer upon the individuals and society. They extol private enterprise without taking into view the price in hardship and suffering society has to pay and the secrecy in which private enterprise operates. Control and regulation are necessary in the complex life of the modern world.

5. There is no antagonism between law and liberty.

The Individualists believed that every law necessarily restricted or abridged the liberty of the individual, that the State was necessarily hostile to freedom and that the more functions a government performed the less freedom the individual would enjoy in short, they presumed that "a maximum of government necessarily means a minimum of freedom." But this is a wrong view of liberty and law. We have already explained liberty does not mean absence of restraint. Indeed, liberty cannot exist without socially necessary restraints, as defined by the laws. Unrestricted and unrestrained freedom is not liberty but licence. Liberty exists only when there are equal rights and opportunities for all. Hence liberty involves restriction, defined and imposed by laws. In this sense, law and liberty are not antithetical or opposed. On the contrary, law is the condition of liberty. "In short", writes Garner, "the whole problem of creating and guaranteeing liberty is largely a problem of organising restrictions. The rights of all are enlarged and secured by wise restrictions upon the actions of each." Only such laws are opposed to liberty as are arbitrary and unjust. In the same way, it is a mistaken view of the individualists that State action in the interest of the common good necessarily involves a curtailment of individual freedom. On the contrary, "wisely organised and directed State action not only enlarges the moral, physical and intellectual capacities of the individuals but also increases their liberty of action by removing obstacles placed in their way by the strong, selfish and self-seeking individuals.' The State helps to increase opportunities and there by develops the latent abilities of individuals. "In truth, the State emancipates and promotes as well as restrains for the common good of all."

6. Individualism is based on a wrong view of individuality and human nature.

Although the Individualists professed to be primarily concerned with the individual and his liberty of self-assertion and self-expression, yet they failed to understand the true nature of man. He is by nature a social being, and the more developed a man is the more social he is. He owes much of his character and qualities to the society of which he is a pan. Society makes man. Indeed, an individual without the society is practically nothing, but the society without an individual is yet everything. Nineteenth-century Individualists really did not understand properly the role of the group and the society in the life of the individual. They believed that the individual is a thing apart from the group or society of which he is a member, and that his interests could be achieved in isolation from those of other individuals. "Apart from his surroundings and relationships," says Professor Ritchie, "the individual is a mere abstraction, a logical ghost, a metaphysical spectre, a mere negation."

7. Man is not always the best judge of his own interests.

One of the basic principles of individualism is that an individual knows his interests best, and therefore should be left alone to pursue them as best as he thinks. But this view is true to a limited extent. Self-interest is indeed the guiding principle in most human actions, but it is the society and not the individual who is a better judge of his intellectual, moral and physical needs. For instance, ignorant parents may be selfish enough to put their children to work rather than to education. A selfish employer makes his workers to work long hours amidst unsanitary conditions. Many poor men have sold themselves or their dependents into slavery. Hence it is the duty of the State, as the guardian of the society, to regulate human relations and control the activities of the individuals by law so that they may not act ignorantly and anti-socially. It can better protect the individual against disease and danger which he brings upon himself by his ignorance, selfishness, greed or the like.

8. Free competition is a positive handicap.

The doctrine of *laissez faire* is based on two cardinal principles: freedom of contract and free competition. But competition can be beneficent only when the two parties are equal. There can be no competition between the economically strong and the economically weak. Experience shows that free competition between the weak and the strong, between the rich capitalists and the ignorant workers, between the strong employers and the poor employees, has led to misery, starvation, ill-health, under nourishment, unsanitary housing, inefficiency and the like. At the same time, free competition has also led to over-production, economic depression, trade wars and unemployment which are the worst features of modern capitalism, which arose from the *laissez faire* economic system. These evils and defects of the *laissez faire* are now sought to be removed by State regulation and interference in the form of economic planning and socialism. These facts of modern economic life have finally disproved the individualists' claim that the State is incompetent to undertake economic enterprise. "The State has stepped in to fight individual selfishness, apathy or inefficiency." Moreover, free competition and unrestricted freedom of contract produce political evils, like plutocracy or the rule of the rich, social inequality and class society, which are the enemies of democracy and liberty.

9. Economic and political consequences of the Laissez Faire are disastrous for the individual and the society.

The economic and industrial success of the *laissez faire* in the nineteenth century has been one-sided, and disastrous for the majority of the mankind. It was accompanied by a great deal of misery and exploitation of man by man. It led to oppressive hours of work, unwholesome and brutalizing conditions of labour for the working classes, and the employment of children of tender age. Economic methods and processes of unrestricted capitalism proved to be blind and unorganised, purposeless and ruinous. But the advocates of the *laissez faire* were oblivious to all such consequences of their teachings. We now know, however, that it produces trade cycles of overproduction and depression, unemployment and misery; that free competition is destructive because it makes the rich richer and the poor poorer. It divides the society into two warring classes of the 'haves' and 'have-nots'. It creates economic inequality which reduces political liberty and democracy to a farce.

10. Survival of the fittest is a misleading argument.

Finally the Spenserian argument of the survival of the finest is essentially fallacious and inhuman. It is fallacious and misleading because in human society the fittest is not necessarily the best. Dr. Leacock has aptly remarked that "if the sole test of fitness to survive is found in the fact of survival, than the prosperous burglar becomes an object of commendation, and the starving artisan a target of contempt." Human world is ruled by reason in which the fittest is not bodily the strongest but morally and intellectually the best. 'The rather stupid are biologically fitter than those who are innately more intelligent", says P.B. Medawar. If the principle of the fittest is allowed to operate blindly, it will produce moral and social injustice and brutality and even physical barbarity. It will condemn the sick, the poor, the blind, the widow, the orphan and the like to starvation and death. In other words, human society will return to the Hobbesian 'State of nature'.

These are the reasons why nineteenth-century Individualism is not tenable today. To conclude in the words of Dr. Leacock: "As a matter of political justice it rests on a mechanical attempt to completely divorce individual and social rights. On an economic basis it overlooks the plain advantages of cooperation and regulated efforts. As a scientific law it will not stand examination."

MODERN INDIVIDUALISM

Reaction against State Regulation.

In the opening years of the 20th century, the increasing number of State regulations and restrictions in all aspects of national life led to a reaction against the growing functions and powers of the present-day State. Political thinkers began to criticise its increasing functions and powers, and preach a new kind of Individualism, which is described as "Modern Individualism". Thus, as Joad puts it, "the reaction against Individualism

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has produced a reaction in its turn. The wheel has turned full circle, and the present dissatisfaction with the State has promoted a revival of Individualist thinking akin in spirit though not in form to the Individualism of the nineteenth century."

Factors responsible for the growth of Modern Individualism:

1) **Rapid growth of voluntary associations.** Rapid growth and increasing importance of the voluntary associations in the life of the individuals has undermined the belief in the omni competence and supremacy of the State. Economic, moral, social and other associations like the trade unions, the church, etc., are playing an important role in the life of the individual who regards them essential for the satisfaction of his needs and for the development of his personality. Modern society is pluralistic in its structure, consisting of many associations. Most of them do not owe their origin and functions to the State and yet they are essential for human life, happiness and personality. 'The growth of such association," writes Joad, "has tended to make men think of the State as just one, and not always the most important one, of the various bodies to which the individual may belong." Hence it is asserted that the State must share its authority with other associations. It means that the authority of the State must become decentralised.

2) **Nature of modern wars.** Modern wars are total wars and they become world wars even. These are total wars in all aspects. They tend to mobilise the whole nation for war. The government controls almost all the activities of the citizens with the consequent curtailment of their rights and liberty. Government officials are everywhere. This fact leads to bureaucracy. People become resentful of the restrictions imposed on their liberty and rights and dislike bureaucratic officialdom. The State is blamed for all this. This led to a reaction against the State, and to a desire to curb the omnipotent and omni competent State and put limitations on its powers and authority.

3) **Tyranny of Majority Rule.** Modern democracies are necessarily representative governments, ruled by the majority parties. But the achievements of the majority rule have fallen miserably short of the hopes and promises of representative democracy. The irresponsible and arrogant behaviour of the majority party in power towards the minority groups and parties has excited their resentment against the majority rule. They regard the majority rule as misrule, a tyranny of numbers. It is particularly true in war time, when the majority party blindly supports all acts and policies of its government. This leads to a reaction against the powers of the State. The advocates of Modern Individualism aim at the decentralisation of State-power.

Fundamental Principles of Modern Individualism.

All modern Individualists take a pluralistic view of the State. They believe that the State is one of the many social associations, that the society is an "association of associations", "a community of communities", of which the State is only one. *Secondly*, the State, being only one of many associations, does not enjoy any moral superiority over others. It is merely a piece of administrative machinery useful for coordinating the activities and adjusting the claims of the conflicting groups and associations. *Thirdly* unlike the Idealists, modern Individualists do not support the belief that the State has better claim to the unquestioning allegiance and loyalty of its citizens, or that the State is a real personality and possesses a real will over and above the personality and will of the individuals living in it. On the contrary, they assert that the groups and associations have as much claim on the loyalty and allegiance of their members as the State. Indeed, if a better device to preserve peace and adjust social relations than the State could be devised, they would even scrap it altogether from human society. The most important exponents of Modern Individualism are Norman Angell, Graham Wallas and Miss Follett.

Difference between the Old and Modern Individualism.

Modern Individualism differs from the nineteenth-century Individualism in several respects. Historically speaking, the former was a reaction and a protest against Hegelian Absolutism and worship of the omnipotent State, while the latter was a reaction against Mercantilism.

The basic difference lies in the attitude towards the group. The nineteenth-century Individualists regarded the society to consists of the individuals and the State: they contrasted the Individual *versus* the State But "the New Individualism differs from the old regarding *the group and not the individual as its unit for political purpose"* It is driven to this belief because the old Individualism failed to protect the individual against exploitation and oppression of the capitalists and the tyranny of the majority rule. The group is organised, as Joad says, in the first place, for the protection of the individual against exploitation and oppression of the capitalist and the tyranny of the majority rule. The group is organised, as Joad says, in the first place, for the protection of the individual against the exploitation of the capitalist and the oppression of the majority rule, and, secondly, for the furtherance of the common interests and ideas of its members. The size of the State is too large to afford protection and promotion of the interests of the individual, while the small size of the groups affords opportunities for the expression of the common will and the development of individual personality. Hence the modern Individualists believe that the group is a better device than the State not only for developing the real personality of the individual but also for protecting individual liberty which was the primary concern of the Old Individuals. Thus "the group gives a better opportunity to achieve the ideals and purposes which the Old Individualists held so dear to themselves. It was this freedom that Mill so passionately defended in the nineteenth century; to this end the modern Individualists are also devoted. But they seek this goal differently, i.e., through groups and associations, which are free from the control of the all powerful State.

Chapter 40

Fascism and Nazism

We now deal with the twin theories of Fascism and Nazism. The two resemble in their origin, aspirations, ideals and policies, but it is useful to consider them separately.

FASCISM

Rise of Fascism.

Historically, fascism is of Italian origin, where it arose as a result of the World War I and its effects on Italy. Italy joined the Anglo-French-American Allies in the World War I (1914-18) in the hope of being allotted by them colonies and dependencies in Africa, Albania and Asia. But her hopes were dashed to pieces by the Allies at the Paris Peace Conference, where she was given no colony. It created feeling of sharp resentment and frustration in Italy. The after-effects of the war produced social, economic and political crises, such as growing unemployment, inflation, corruption in industry and government, strikes and lock-outs. Communism, recently victorious in Russia, began to spread among Italian workers and the bogey of Bolshevism frightened the capitalist and middle classes of Italy. The war-weary soldiers returning home found no work and wages. The Italian parliamentary system became corrupt, inefficient and impotent to provide a firm and strong government in the country. Indeed, the politicians and ruling parties were interested only in making money through politics. These conditions of social, economic and political disorder and discontent enabled Benito Mussolini and his Fascist Party of Direct Action to capture political power in Italy. Mussolini organised the "armed bands", called the *Fascio di Combattimento* — to smash the heads of the striking workers, raid Communist meetings and press, and kill the political opponents of Fascism. Finally, Mussolini captured power in Rome in October 1922, when his Fascist volunteers "marched on Rome". The Italian King invited Mussolini from Milan where he had hid himself and appointed him as the Prime Minister of Italy. Two years later, in January 1925, he destroyed the constitutional parliamentary system of government and established the Fascist State in Italy. In 1929, the King became a nominal ruler, while all powers passed into the hand of the Duce — the Leader, as Mussolini was styled. Thus Fascism was established in Italy.

The term 'fascism' is derived from the Italian word "fascio" which means a "band" or "group". This word is really derived from the Latin word "fasces" which meant the "bundle of sticks and an axe" which was the symbol of political authority of the ancient rulers of Rome. The memories of the *Imperium Ramanum* — the ancient Roman Empire was always so dear to the Fascist heart. An aggressive nationalism and imperialism are the real meanings Fascism.

Structure and Policy of the Fascist State.

When Musolini was firmly established in power, he laid down the structure and policy of his fascist State. First of all, he abolished Parliamentary system and assumed to himself the power to govern the country by decrees and ordinances. All power was centralised in him: thus the Duce became the Dictator. In November, 1926, all opposition parties were dissolved and prison sentences were provided for those who tried to revive the parties or carried on propaganda for their doctrines. Thus one-party State was established, with the National Fascist Party as the only party in country. It was hierarchically organised, with Mussolini, the Duce, at its apex, both as its leader and dictator. Members could be admitted to it only after strict tests as to their Fascist character and loyalty. They were to take an oath of strict obedience and unquestioning loyalty to the orders of the Duce. Mussolini always boasted that "having created the Fascist Party, I have always dominated it." Indeed Italy became his State, ruled by his Party. In place of the old Parliament, Mussolini established a new "corporative parliament." and several other corporations and federations to control the social, economic and political activities of all citizens. They were headed by the Grand Council of Fascism which was made governmental body. It was to work under Mussolini himself, who became both "Head of the State" and "the Leader of Fascism". Thus the whole structure of the Fascist State, in all its political, social and economic aspects, was organised hierarchically under the Duce who stood at its top.

The Duce and his Fascist State adopted a policy of brutal repression at home. All individual rights and liberties were crushed by means of terrorist reign of killings, kidnappings and beatings of the opponents and critics of the Fascist policy Martial law was proclaimed; censorship was imposed and an official propaganda was conducted. All newspapers and periodicals operated within the limits imposed by the Duce Government. Former socialist and liberal newspapers and periodicals were suppressed and the milder ones were "fascistized" by appointing editors and managers who would uphold Fascist rule.

PRINCIPLES OF FASCISM

What is Fascism?

It is difficult to describe the principles and doctrines of Fascism, for the Fascists prided themselves in their lack of theory and consistent philosophy and practice. There is no Fascist manifesto or an authentic statement of Fascist principles and programmes, as we find with the Communists, Mussolini himself acted as if he hated all abstract thinking and theorizing. "My programme", he said, "is action, not talk". He further said, "Fascism is based on reality, Bolshevism is based on theory. We want to be definite and real. We want to come out of the cloud of discussion and theory." Such Statements show that Fascism had really no principles: it was a creed of expediency, of political relativism, a sort of opportunistic pragmatism. But it is wrong to say that Fascism did not acquire doctrines and theories of its own. It had a programme of action; it had aims and ideals to attain, which necessarily led to theorising about them. This produced Fascist theories and doctrines.

A Philosophy of action and violence.

Fascism is first and foremost a theory of force of action and violence Before Musolini became a fascist leader, he was a revolutionary socialist of Syndicalist type. Syndicalism taught that socialism could be achieved by "direct action" and "myth". When Mussolini became a Fascist, he renounced and denounced socialism of his earlier Syndicalist faith, but remained true to its philosophy of "direct action" and "myth". With him 'direct action' became a philosophy of unlimited force and violence at home and unlimited war abroad. The Fascists came to power by force, maintained themselves in power by force and dreamt of reviving the imperial glories of ancient Rome by force of war and conquests. Hence, according to Mussolini, Fascism is "government for the people over the heads of the people, and, if necessary, against the people." Fascism was hungry for power. It was aggressive, nationalistic and militaristic.

Fascism repudiates democracy, liberty, equality and majority rule.

Fascism does not believe in democracy, and rejects the democratic processes, such as the choice of the rulers by the ruled, elections, majority rule or government by the majority, etc. It also rejects popular sovereignty and equality. It denies that all people are of equal value in the eyes of the State that they should share equally in the benefits of the State. To quote him again: "Fascism denies that the majority, by the simple fact that it is a majority, can direct human society." So Fascism denies the democratic method of discovering the general will by voting and majority decision. Parliaments cannot express the will of the State because the majority is not necessarily wiser than the minority.

Government of the elite and by the elite.

Fascism repudiates Individualism and the government by the sovereign majority. General will is a matter of motives and not the counting of votes. It is expressed by the motives of the chosen few, the elite, who possess a strong social sense, patriotism and a high moral sense. They are the noble leaders, led by the 'heroic' Duce, born to rule the ignorant masses.

Thus Fascism believes in government by an aristocracy, by the elite, because "only a minority of the nation has the capacity to perceive and give effect to national interests." The knowledge of right and wrong, of the moral law, is the prerogative of the few superiors in the nation and of one supreme leader at its best. He has the right to rule by virtue of his superiority. Hence, the need is not popular elections, ballot-boxes, parliamentary debates and oratory, voting and majority rule, but to "find in the country the ablest man that exists there, raise him to the supreme place and loyally bow down before him in absolute obedience and there you have the perfect government, the ideal State." The masses are always incapable of knowing their will or opinion, while they are ruled by a few dominating spirits. Political aristocracy is, therefore, both reasonable and unavoidable. The few superiors have the knowledge and devotion to the State which enable them to harmonise interests of the masses and the State. In case of a conflict, they can ignore the interests of the masses. The leader is infallible. "Musolini is always right." "Our champion and first and greatest, the Duce, has been urged and inspired from on high." In the last analysis, the test of the superiority of the leaders lies in their ability to use force and violence to secure obedience. The use of brute force is the hallmark of superiority. A man who is unwilling or unable to be a ruthless despot is not fit to be the head of the State.

Fascist Theory of State.

From the above survey of the theories and plans of the Fascists, it is easy to understand their idea of the State. Briefly, the Fascist conception of the State is authoritarian, totalitarian and nationalistic. They have repudiated democracy, individualism, liberalism «and popular sovereignty. In his book, *"Fascism"*, Mussolini wrote that the Fascist State is, first of all, "anti-individualistic", for "the Fascist conception of life stresses the importance of the State and accepts the individual only in so far as his interests coincide with those of the State, which stands for the conscience and the universal will of man as a historic entity. Fascism reasserts the rights of the State as expressing the real essence of the individual. And if liberty is to be the attribute of living men and not of abstract dummies invented by individualistic liberalism, then Fascism stands for liberty, and for the only liberty worth having, the liberty of the State and of the individual within the State. The Fascist conception of the State is all-embracing: outside of it no human or spiritual values can exist, much less have value. Thus understood fascism is totalitarian, and the Fascist State-a synthesis and unit inclusive of all values,--interprets, develops and potentialises the whole life of a people. "Everything within the State and nothing outside it."

Fascist State and the Individual.

The Fascists held the same conception of the State as Hegel. It is an absolute, all-embracing, omnipotent State, to which the individual is completely subordinate. Like the Idealists, the Fascists regard the State as the end and the individual as the means, for the State is an imperishable organism while the individual is transitory –"the individual is fleeting, the State is permanent, the leaves wither, the tree stands." As a fascist writer says, "For Fascism, State is the end, individuals the means, and its whole life consists in using individuals as instruments for its ends." Hence the State has all rights, and the individual has none, except those which the State has given him. He exists for the State and not the State for him.

The State is Nation.

For the Fascists, the three terms "society", "State" and "nation" are synonymous. Society is the nation and the State exists for the nation. The State is the organic structure of the nation. The nation is an imperishable organism. The individuals are born, live and die generations after generations, but the nation retains its form, culture and entity from generation to generation and thus enables the present generation to transmit them to the future ones. As the Fascist Charter of Labour put it: "The Italian nation is an organism having ends, life and means of action superior to those of the separate individuals or groups of individuals which compose it." It is a moral, political, and economic unity that is integrally realized in the Fascist State." Its interests come first before those of its individual members. The individuals and groups of individuals have no rights, liberty and interests of their own when they are in conflict with those of the national State. A war for the preservation, expansion or exaltation of the nation may be supremely justifiable, no matter what sacrifices it may require from its best citizens and the destruction of the special interests of its lesser groups.

Fascist State is a total State.

Fascist State is an absolute State, with all individuals, groups and interests fully subordinate and subservient to it. It is a total State, for it may, in principle, "control every act and every interest of every individual or group in so far as the good of the nation requires it, and of this the State is itself the sole judge. Except by the permission of the State, there may be neither political parties, trade unions, industrial or commercial associations. Except under the regulation of the State, there may be neither manufacture, business, nor labour both work and leisure are within the control of the State. Except under the direction of the State, there may be neither publication nor public meeting; education, indeed all the ethical, intellectual, and even religious interests of its members are theoretically within the keeping of the nation and the supervision of the State." Hence the

Fascist State is a one-party State, hierarchically organised under one supreme leader. But the question arises: What is the end or purpose of such a totalitarian control" It is, in brief, war and conquest.

Fascism and war.

War and conquest are the supreme ends of the Fascist State. Force and violence are the first principles of Fascism; they are also its final ends and ideals. They become the aims and ideals of war, aggression, enslavement of other nations for the aggrandisement and glory of the Fascist State. To this supreme end it subordinates all individuals and groups within its boundaries on preparing and waging wars it concentrates and all its energies and policies. That is why, as Joad says, "it (Fascism) sings the praises of war, encourages the military virtues, puts a premium upon courage and endurance, subordinate education to military training, and sees in the manufacture of armament the primary purpose of industry." War eliminates the weak, enhances the strong and places a premium upon those virtues which have survival value. Indeed, war is beautiful. 'Though words are very beautiful things," said Mussolini once, "rifles, machineguns, ships, aeroplanes and cannons are more beautiful things still." Moreover, war is natural to man. War is to man, said Mussolini, what maternity it to woman. "A citizen and a soldier," announced Mussolini, "are synonymous in the Fascist State."

Fascism repudiates peace, human brotherhood and love.

It declares that war and struggle among nations of the world is a natural law. It breathes of war: imperialism is its very soul. It is an enemy of internationalism, or international peace and co-operation. "International peace is a coward's dream" Imperialism, according to Mussolini, "is the eternal and immutable law of life." "Fascism," Mussolini writes, "the growth of Empire, that is to say, the expansion of the nation, is an essential manifestation of vitality and its opposite a sign of decadence" By means of war and conquests Italy would rebuild an Empire as great and glorious as was that of the ancient Rome. Thus Mussolini's belief in force and violence culminated in fascist idolisation and worship of the god of war.

Corporative or Fascist Theory of Corporations.

Hierarchy is the essence of Fascism. In the Fascist State the individual docs not exist alone but in groups in the economic and other aspects of national life. Each group of individuals formed, according to the functions which they perform in the nation, an organisation called a Corporation. Thus the nation is a hierarchical organism of three parts, the individuals at the bottom, the corporations in the middle and the State at the top and as Mussolini said, "beyond the State nothing". The individuals and the corporations are relative and subordinate to the State from which they derive their rights, powers and being. Corporations were of all kinds—

conomic, professional, etc. Their officers were appointed from above, by he State, not elected from below by their members. They consisted of both workers and employers in an industry, or of workers alone. Each corporation supervised the working of its industry, determined wages, hours of work, holidays and conditions of work. The corporation was really a closed association. Its membership was not open to all and was regulated by he State, to which it was subordinate in all its functions. It had two essential features. Firstly, it consisted only of those who were engaged in a given industry or profession and included both employers and employees. Secondly, it did not take over and manage production, within its branch, to he exclusion of its capitalist owners, but simply 'regulated' it "under the aegis of the State" and as "an organ of the State." Thus Mussolini "fascistized" capitalism by controlling and "regulating" it. He did not abolish it, but harnessed it by means of the Corporative.

But Corporative also had a political side. Every corporation, together with other functional bodies, acted as an electoral college from which members were appointed to serve on the Fascist legislature, which was called the Chamber of Fasces and Corporations.

Criticism of Corporative.

Italian corporative was hailed, by its admirers and advocates, as a new economic system. It was claimed that it was superior to the doctrines of *laissez faire* and Socialism, because it had reconciled the individual and the State by reconciling them both to the corporations. They harmonised the interests of the workers and their employers, while the State controlled and regulated industry through them. This provided a new conception of the functions of the State. The admirers of Corporative claimed that it provided discipline and responsibility in the economic life, and unity and representation in the political life. It was further claimed that even if the Fascist State would vanish, the principle of corporative would continue to exist and even that it did not need the single-party dictatorial State to exist. Mussolini, however, never said that it could exist without the single-party rule and totalitarian State. As regards the harmony and reconciliation of the workers and employees' interests, it is sufficient to say that Fascist Corporative became really a tool for preserving the monopolistic position of capitalism and big landlordism, which were favoured by the Fascist State. While Fascist Government showered favours on big industrialists and landlords, it reduced the wages of the workers and treated them harshly by taxing them heavily. The real wages of the workers were 1(K# less in 1932 than in 1922, when Fascism came into power. Such was the tyrannical and iniquitous rule of the Fascist Corporate State which made the people to revolt against Mussolini's Government and finally overthrew it in 1944.

We shall consider other weaknesses, follies, and defects of Fascism afterwards, at the end of our discussion of Nazism. Here it is sufficient to say that Fascism was not based on justice or on a humane ideology.

NAZISM

The term 'Nazism' is derived from its full name "National Socialism", from which it is abbreviated in its German form thus: *na* from *national* and *zi* from socialism, as socialism is called in German.

Rise of Nazism.

The World War I was a turning-point in the history of the world. It produced Communism in Russian Fascism in Italy and Nazism in Germany, besides other momentous consequences in other parts of the world.

The World War I was started by Germany in order to conquer colonies and become the greatest imperialist power in the world. But it ended in her defeat. A humiliating treaty, the Treaty of Versailles, was imposed upon her. Under this Treaty she had to pay to the victorious Allies heavy war reparations, surrender her Ruhr and Saar territories to France and was forbidden to rebuild a strong army of her own. After the war, in 1919, Germany established a parliamentary system of government under a new Weimar Constitution. But the system failed to take roots in the post-war Germany due to her ever-increasing economic and political troubles. The Germans smarted under the humiliating terms of the Versailles Treaty which reduced their country to the status of a third-rate power. The final blow to the Weimar Parliamentary system was delivered by the Great Economic Depression (1929-32), which hit German hard. There was complete economic collapse. Prices began to soar higher and ever higher; the value of the German Mark depreciated and unemployment rose by leaps and bounds. In 1932 there were six million un-employed workers in the country. Gold fled from Germany and her industry came to a standstill, while the victorious Allies extorted huge war reparations. At the same time, political crisis deepened. Workers' strikes increased in number and fury. Many political parties sprang up in the country. Communist influence increased and, as usual, the powerful German industrial Junker or landlord and militarist classes were frightened of the bogey of Bolshevism. They were ready to welcome any man or party which would save the country from a Communist Revolution. This was the hour for Hitler to strike. He organised the Nazi Party and captured political power in 1933 NAZI DOCTRINES. Like Italian Fascism, German Nazism has no well-defined doctrines. It too lacked a philosophy of the State; it was merely a political movement. But it evolved a theory as a result of its practical needs and experience. Indeed, both Germany and the German people were particularly fit for the kind of theories and 'myths' which the Nazis preached and practised, viz., militarism, racialism, hero-worship, State-worship, etc. No other nation equalled Germany, the homeland of Hegel, in the idealization, i.e., idolization of the State, in her traditions of military efficiency and

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militarism, in her glorification of war, and in a systematic and quasi-scientific exposition of racist theories. All these things became part and parcel of Nazi beliefs and doctrines, along with the brutal violence which alone was what Hitler and his Nazis contributed to them.

Nazi glorification of the State and Nation.

True to the German tradition, Nazism glorifies the State and regards it as a superhuman entity, and true to the Fascist tradition, it identifies it to the nation, or *das Volk* as it is called in German. To the Nazis, 'nation' was essentially a racial and biological entity. The *Volk* or the national community was the raw material out of which the State was made. In order to make the *Volk* strong, all individuals and all interests were placed under the full control of the State. As Hitler declared, "the individual is nothing, *das Volk* (the Folk) is everything." The Nazi State is all-powerful, all-embracing and omni competent. The individual is absolutely subordinate to it. He is to find his meaning and happiness in implicitly obeying the behests of the well-ordered State.

Nazi State is a totalitarian State.

Nazi State is all-inclusive. The State is end; the individual is the means to it. It is absolute and tolerates no opposition. Nothing lay outside its power or province. It controls and regulates every person and thing, every interest and value, every activity and function in the State. All aspects of national life—political, economic, industrial, educational, cultural, scientific, intellectual—are regulated by the State. Except under its regulation, there could be manufacture, business, work or leisure, art or culture. Even Truth is what the State says, "the scientist is only free to search for truth as the State sees it."

The Fuhrer Principle.

Far more than Fascism, Nazism emphasised the so-called Fuhrer Principle Though Italian Fascism had its "Duce". He was a very pale thing as compared to the Nazi Fuhrer or Leader between the Duce and the people were "corporations," but between the Fuhrer and the Germans was nothing except a chain of lesser Fuhrers, all of them responsible to the Fuhrer alone. The actions of the Fuhrer were above criticism. The Fuhrer was infallible,—he was always right. Hitler himself explained the "Fuhrer Principle" "thus: authority from above as the result of leadership, conscious of its responsibility; confidence and discipline from below." He justified this principle by referring to the German military traditions. 'The principle which made the former Prussian army an admirable instrument of the German nation will have to become the basis of our State structure, that is to say, full authority over his subordinates must be invested in each leader and he must be responsible to those above him". This required a Leader

(Fuhrer) at the top and the nation at the bottom with a chain of lesser Fuhrers in between the two.

The Nazis made the Germans adore Hitler. The people were taught to believe that some are born to rule and others to obey. Obedience to the Leader was a sacred duty, rigidly enforced by all methods of discipline and propaganda. The Nazi slogan was: Duty, Discipline, Sacrifice, The Nazi ideal was: *One Fuhrer (Leader), One Reich (Stale). One Vok (Nation).* Hitler was worshipped as a god. "We of the German religion", so wrote a Nazi Professor, Ernest Bergmann, "today turn to the Nordic, Indo-Germanic Light-Hero figure and get rid of the false and diseased Christ picture created by the Christian Pope and Church to the hurt of humanity. The high priest of the new German paganism is Hitler himself. He is the real Holy Ghost. Hitler is lonely. So is God. Hitler is like a god. Hitler is a new, a greater and a powerful Jesus Christ." The worship of Hitler was preached in the schools, in the churches, on the stage, in the cinema, radio and the press. The Nazis made the Germans to use a new salutation, *Heil Hitler* a phrase which they used from 50 to 150 times a day. They were taught to believe that Hitler was infallible: "what Hitler decides is right and will remain eternally right," said Herr Wagner, the Bavarian Minister of the Interior. But Nazi principle of Fuherism was really the idolisation of the arbitrary, absolutist and irresponsible power of an autocrat, as the disasters and consequences of the World War II were to show.

Nationalism and Racialism.

Nazism was intensely nationalistic. But it equated the national with the race. In the racial theory of Nazism, there were superior and inferior races. The 'white' races were superior and the 'coloured' races inferior. Among the superior white races, the Aryans or the Germanic race, also called the 'Nordic' or the Teutonic' race, was the most superior—the *"Herrenvolk"*—the master-race and among the white races, the German was above all.

Imperialism and Lebensraum.

Hitler and the Nazi Party had come to power with the avowed purpose of conquering colonies and foreign lands for the Germans. They must have a "living *space"—'Lebensraum'* as the Nazis called it—in order to settle surplus German population and find raw materials and markets for German industrial goods. "There can be," declared Hitler, "no economic life unless behind this economic life there stands the determined political will of the nation absolutely ready to strike—and strike hard." Just as British Imperialism always declared: 'Trade follows the Navy," so the Nazi Imperialism cried, 'Trade follows the tank." "Our task," cried Hitler, "is to organise on a large scale the whole world so that each country produces what it can best produce, while the white race, the Nordic race, undertakes the organisation of this gigantic plan ..... the lower race is destined for tasks different from those of the higher race: the latter must have in its hands the control, and the control must remain with us." For this purpose, the Nazis planned for a war on the eastern countries especially Poland, Czechoslovakia, Ukraine and Russia, which were, according to them, peopled by the inferior "Slav race". But finally they aimed at the world conquest. These Nazi dreams and designs of world conquest led the world straight to the Second World War.

One-Party State.

Like Italian Fascism, Nazism also created a single-party State, headed by one supreme leader, the Fuhrer. The party was the National Socialist Party which alone was legally recognised when Hitler captured power in 1933. All other parties were abolished by law. There was, therefore, no opposition party. Further, the law declared the Nazi Party as "the bearer of the idea of the German State and inseparably connected with State." The Nazi slogan was: one Leader, one Party and one State. The emblem of the Nazi Party was the crooked cross, the Swastika—adopted for its Aryan origins, Nazi Party exercised several powers, such as "the right of appointing municipal councillors, selecting jurors and members of the school boards, investigating public records and consulting with State authorities on practically every matter." Its members enjoyed various privileges in respect of employment, railway fares, etc.

Nazi Militarism.

Like the Fascists, the Nazis also sang hymns in praise of war, so dear to the German heart. Indeed, before Hitler attained power, a German General, Bernhardi wrote, "war is a biological necessity without which all culture would vanish." The Nazis reciprocated these sentiments in these words: "war is the measure of all things. Every human social activity is justified only when it aids the preparation for war." When accused of barbarism, they replied, "What is called barbarism is the power of renewing itself. We must be ready to fight, and we are ready, not only for ourselves and our people but for Europe whose heart we are." Hitler philosophised on war thus: "If men wish to live, they are forced to kill others. Strife is always the means of developing the species and is consequently a primary condition in its progress." One of his subordinates, Ernst Junger, put this philosophy of war in a nutshell: 'The meaning of life is to kill". Thus the Nazis turned Darwinian principles of the natural selection and survival of the fittest into the diabolic plea for mass-extermination of non-German races and nations. This German philosophy of war led mankind straight to the concentration camps, gas chambers, and World War, for which the Nazis planned so much.

Criticism of Fascism and Nazism.

(1) Both lacked humanism.

Both Fascism and Nazism lacked humanism; they were not meant for humanity and human happiness. They established a "closed society" from which all those who could not belong to it by race or nationality, were to be liquidated by extirpation or concentration camps. Fascist Italy and Nazi Germany could only exist by enslavement, exploitation and extermination of all other peoples and nations. Hence they preached war on the world. Hence they sang hymns of hate in pseudo-scientific terms of racialism, biology and evolution, which turned the fair Germans into a race of "blue, blonde beasts."

(2) Both were based on force and violence as essential weapons of politics and government.

Fascism and Nazism were based on no political philosophy or system: they relied on force and force alone. As Joad says, "Once the democratic concepts of popular consent, majority rule and equality before law are abandoned, once the test of happiness is rejected and individual freedom required to be subordinate to State necessity, there seems to be no way of determining controversial issues except, in Bertrand Russell's words, "the appeal to force and the arbitration of the big battalions." Fascists assert that force and not will is the basis of the State. But such a theory is to be ruled out of Political Science as a political philosophy of the State.

(3) Fascism and Nazism uphold the rule of the few and the Dictatorship of one man.

Fascism and Nazism establish a single party government, a government of the few, headed by one supreme ruler, the Duce or the Fuhrer. They were based on the dictatorship of one man. Yet they provide us with no criterion on which the rule of the few or the dictatorship of the one is to be judged and the rulers are to be chosen. Really the Fascist and Nazi leaders selected themselves. But this idea of political aristocracy is not only undemocratic it is also impracticable in modern times. It could exist only in the static societies of the past ages, or for a temporary period in times of crisis such as war, etc. In a State of siege, as Napoleon said, even a fool can rule. Fascism and Nazism were based on the presumption that mankind as a whole comprised of ignoramuses and fools. But such an attitude is quite untenable in the present days, when science, learning, arts and culture have become popular and mass education is the order of the day.

(4) Fascism and Nazism which based on unreason, hate and prejudice.

Fascism and Nazism distrusted reason and relied upon ignorance, prejudice, hate and superstition. They made powerful appeal to sentiments

and emotions, making use of such means as military uniforms, party pageantry, rituals and rhetorics. They assumed that the masses had no interest in politics and no capacity to govern them. Their lack of culture and reason and the emphasis on emotions and myths is aptly presented by Bertrand Russell in these words: 'There is no philosophy of Fascism; there is a psycho-analysis," In short, they were based on the fear of reason, and on the philosophy of despair.

(5) Force and fear were the only basis of the Fascist and Nazi States.

Human reason and good-will had no place in their philosophy of State and politics. Meetings and conferences, discussion and theory were replaced by action of strong men and obedience by the masses. The ideal of Fascism and Nazism was a national State, "well-ordered internally, aggressive and bent upon expansion externally."

Chapter 41

Revolutionary Socialism

Meanings of Socialism:

The term 'socialism' is used in various senses. It may mean a theory of the State, or a theory of society. It may denote a political movement or a party. It may be a political theory or an economic doctrine. Socialism may be moderate or extreme. It may aim at a revolutionary transformation of human society and State, or may plead for their evolutionary development. Lastly, the same word "socialism" may be used by two opposite parties or movements which are in absolute opposition and hostility to each other, so that each accuses the other of not being 'socialist" at all. Thus the modern socialists quarrel in the same way as the religious sects and parties used to fight with each other in the past. Owing to this great diversity and difference of its meanings and applications socialism has become, as Joad says, "like a hat that has lost its shape because everybody wears it."

In spite of this diversity and disagreement, there are some general features or principles which are common to almost all schools and forms of Socialism. It means, *firstly*, the 'socialisation of the means of production and exchange, like land, industry, banks, etc.; *secondly*, a better distribution and for this purpose a greater production of wealth; *thirdly*, a collective organisation of society and State so that wealth and happiness may be equalized for all human beings; and *lastly*, a theory of the means and methods, or a programme of action, for achieving these ends of socialisation, better production, distribution and equalisation of wealth and happiness for all. It is this last feature which is the main reason of the differences among various theories of socialism. That socialist theory which advocates revolutionary means and methods of socialist transformation of society and State is called *revolutionary socialism*, while the one which seeks to attain socialist aims and ends by constitutional means and practices, is called *evolutionary socialism*. But both revolutionary and evolutionary socialisms are again of different kinds. They have different aims, ideals and programmes of action. Broadly, the different kinds of revolutionary socialism are:—

1. Marxism; 2. Communism; 3. Syndicalism.

Similarly, evolutionary socialism is of various kinds, as below:

1. Revisionism, or Evolutionary Marxism;

2. Collectivism, or State Socialism or Fabianism.
3. Guild Socialism.

In this chapter, we shall describe the theories of revolutionary socialism.

MARXISM

Karl Marx: Founder of Socialism:

Karl Marx is in a very real sense the father of Socialism. All theories of modern socialism are directly or indirectly influenced by his writings, while some of them, like Communism, are really the continuation of Marxist teachings and theories up to the present day. Historically speaking, there were socialist and communist theories before Marx; such as Plato's Communism, More's Utopia, or the French Utopian Socialism of St. Simon and Fourier, or Robert Owen's socialist plans. But all of them were based upon impracticable dreams of a 'utopia', which existed nowhere or upon unscientific analysis of human society and life. It was Marx who first gave a scientific analysis of what human society is and spoke in detail of the stages through which it must evolve into socialist or communist society. Hence he is now universally regarded as the founder of scientific socialism, an honour which he shares with his friend and collaborator, Friedrich Engles.

Basic Theories of Marxism.

Almost all theories of modern socialism and communism are derived from the writings and teachings of Karl Marx and Engles. Here we shall deal with only such of them which are considered as basic theories of Marxism, as follows:

1. **The Materialist Conception of History.**

One of the fundamental beliefs of Marx is that human history, that is, human life and society, are determined by the material or economic conditions in which man lives at any particular time. Human life is not possible without the satisfaction of needs and necessaries of life, such as food, clothing, shelter, and hundred and one other needs and necessaries of life. But they have to be produced by man with the tools, implements and methods which he has invented or discovered at any particular period of history. They are the means and methods of production, such as the tools, the land, the machines, factories, and sources of power, like animals, steam, electricity etc. These means and methods of production differ in different ages of human history. But these means and techniques create definite *social relations* between men and groups. These social relations of production form definite social groups and classes, as determined by the forms and kinds of tools, techniques and methods of a particular historical period. They become the social conditions of production. Furthermore, these social relations, conditions and classes create a *definite system of* *ideas, cultures, beliefs, laws,* and *morals* under which, but not on which, these relations of production exist. They exist on means and methods of production.

But human life and society are not static: they change from age to age. The tools and techniques are improved upon and new ones are invented or discovered. This creates new means and methods of production, which give rise to new social groups and classes. The new classes find themselves in opposition to the older classes. A struggle ensues between them, which is waged on political, social, moral, legal and religious levels. At last, the new classes overthrow the old order and build a new one, with its own laws, customs, morals, religious beliefs, arts, learning and philosophy. This is a new State, a new period in human history. Thus this process of evolution and development of human life and society has continued throughout human history from the earliest times to the present, determined by the economic and material conditions of human life. Marx has succinctly described his materialist conception of history in his *Critique of Political Economy* thus: "In the social production which men carry on they enter into definite relations that are indispensable and independent of their will; these relations of production correspond to a definite stage of development of their material powers of production. The sum-total of these relations of production constitutes the economic structure of society the real foundation, on which rise legal and political superstructures and to which correspond definite forms of social consciousness." And again, "Legal relations as well as forms of State could neither b« understood by themselves, nor explained by the so-called general progress of the human mind, but are rooted in the material conditions of life. The mode of production in material life determines the general character of the social, political and spiritual processes of life. It is not the consciousness of men that determines their existence but, on the contrary. *Their social existence determines their consciousness."*

2. Theory of Class War.

Marx's theory of class war is a necessary conclusion from his materialist conception of history. As we have said above, Marx believed that human history has evolved, not by the rise of new ideas or by great men or by the spread of new beliefs, customs and religions, but as a result of new economic or material methods and conditions of production which give rise to new social classes. This leads to a struggle between the new and the old classes, victory in which lies with the new ones. In other words, *history is nothing but a story of class struggle and conflicts* which are waged in all forms and methods political, moral, religious, intellectual, etc. In history, they are known as political revolutions and changes, the rise of new parties and States, new philosophies, new arts, new culture and thought. The class war was waged by different classes at different stages of human history. As arx and Engels wrote in the *Communist Manifesto:* "Freeman and slave, atrician and plebian, baron and serf, guide master and journeyman, in one ord oppressor and oppressed, standing constantly in opposition to each ther, carried on an uninterrupted warfare, now open, now concealed." This truggle goes on even today between the capitalist and the working classes.

Theory of Surplus Value.

Marx propounded the theory of surplus value in order to explain he structure of the existing capitalist society, the nature of class antagonism nd war and the reason why it will change into a socialist society of the future.

Labour, says Marx, is a commodity, whose value is determined in the same way as that of other commodities. Its exchange-value is the amount of labour spent to produce it and maintain it, that is, the amount of the commodities required to feed, clothe and maintain the labourer. But the labour does not receive exact amount of the exchange-value of his labour in the capitalist system. This is because he possesses only his labour power, but does not own the means and methods of production, the tools and machines, raw materials and the like to expend his labour on them and produce commodities. They are possessed by a small class of the capitalists. They employ the labourers to work in their factories and workshops. The labourers know that they have to work or starve. The employers know that labour is a perishable commodity; either the workers must expend it or it is wasted. Hence they work under the conditions determined by their employers, who pay them only so much wages as are sufficient to maintain them. In other words; they pay them only subsistence wages. But they sell the commodity produced by them at its exchange-value. The subsistence-wage is less than the actual amount of value which the worker has added to the commodity. This difference is the surplus value. It is that amount which results from the difference between the exchange value of the manufactured commodity and the price or actual wage paid to the worker for his labour. The capitalist has pocketed it due to the laws of property in the capitalist State, although it was the right of the labourer to get it, for it was his unpaid labour. Marx has characterised it as pure and simple exploitation of the labouring class by the capitalist class. This appropriation of the surplus value by the capitalist classes is the fundamental injustice of the modern capitalism and the basic cause of the hostility and antagonism between the capitalists and the working classes. This makes the workers poor and the capitalists rich. But this process does not end here. It leads to the accumulation of capital. It is, however, the aim and ideal of socialism to put an end to the exploitation and injustice to the workers. This will be achieved in the Socialist State, "where collective capital will replace private capital, both capitalists and wage-earners disappear, and all persons become co-operating producers."

4. The Law of Concentration of Capital.

Marx said that capital, that is, money and machinery, is nothing but the total amount of the past surplus value which the capitalists have appropriated. But the capital tends to grow and become concentrated in the hands of the fewer capitalists. This is because the capitalists try to expand their business, and squeeze out the unsuccessful rival capitalists. The successful ones become monopolists and acquire control of the markets to the exclusion of their lesser competitors. This process is also helped by the better and more rationalised methods and means of production. As a result of this development of monopoly and rationalisation, the number of the capitalist class becomes smaller, but their capital greater. Those capitalists, who were impoverished and squeezed out of industry and business, join the ranks of the workers. They become politicised. Thus the number of the working classes goes on increasing, while that of the capitalist class goes on decreasing. At the same time, the poor become poorer and the rich, richer. Marx has termed this process as the Law of the Concentration of Capital.

5. The Theory of Social Revolution.

According to Marx, history is a series of class wars and the resultant social revolutions. These social conflicts and revolutions began in the ancient times when private property came into existence, in the primitive communal tribal society. The present capitalist society, according to Marx, has certain inherent weaknesses and contradictions which would inevitably bring about its extinction. "The weapons with which the bourgeoisie felled feudalism to the ground are now used against the bourgeoisie itself. But not only has the bourgeoisie forged the weapons that bring death to itself, it has called into existence the men who are to wield these weapons—the modern working class—the proletariat." These weapons are the large-scale industry, monopoly economy, growing concentration of capital and the increasing impoverishment of the working masses. Thus the capitalist system and the capitalists generate seeds of their own destruction. For some time the working classes would continue to suffer and toil under this system. But at the same time, there will be "the ever closer and more elaborate organization of the proletariat." At last they will be so desperate and also so united that they will overthrow the unbearable capitalist system, first in one country and then in all countries of the world: "at its climax, the proletariat will arise, overthrow the capitalist class and expropriate them of the means of production." This will be the final social revolution in world history, for the victorious proletariat will establish a classless and Stateless communist society. The Communist Manifesto proclaims this final victory by a call to the workers of the world to unite in these ringing words: 'The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. Workers of all lands, unite!"

COMMUNISM

Meanings of Communism.

Communism denotes different meanings. In present times, however, it is understood only in the sense of a theory of action for the building of a classless and Stateless society in which there shall be equality, freedom and happiness for all irrespective of colour, creed or nationality. Its theories and principles of action were first defined and described by Karl Marx and Friderick Engels, as we have described above, and were further developed by Lenin, Stalin and other Communist leader of the countries like Russia, China, etc. This is Modern Communism, which may be briefly described as *Marxism-Leninism.*

Basic Theories of Modern Communism.

In describing modern Communism, we should recapitulate the theories of Marx as developed by Lenin. These are:

Leninist Theory of Imperialism. The Communists claim that the class war in present times has become international, for capitalism has also become international. As Marx said, capitalism develops by its inherent contradictions, which also become the causes of its ultimate destruction. The workers are unable to buy the goods and other articles which they have themselves manufactured, for their wages are so low. This makes it necessary for the capitalists to seek new markets in other countries, both for the supply of raw materials for their industry and a market for their manufactured goods. It leads to a scramble among the capitalist countries for conquering new lands and countries, which become their colonies and dependencies. Thus the whole world is divided among a few capitalist countries. This turns capitalism into international capitalism, or imperialism which is the highest phase of capitalism. Its chief features are the growth of monopolies and trusts in order to exploit the industrial resources and the working classes at home and the subject peoples in the colonies, the growth of the finance, capital and international banking and the impoverishment of the peoples of the colonies and dependencies and, above all, the wars. They are fought between the old and the new capitalist countries for the redistribution of colonies and world-markets between them. But the world wars are the harbingers of communist revolutions in various parts of the world because the working classes have become organised, their sufferings have reached at a climax and famine, inflation and other social evils have spread over large parts of the world. The class war becomes international. In some countries, the workers, led by the communist parties, overthrow capitalism and establish a communist State with an avowed purpose of building socialism and communism. But as communism cannot be established suddenly after the communist revolution, a period of transition from capitalism to communism begins. This is the transitional stage of the socialist State, established after the revolutionary overthrow of the capitalist State.

The Revolutionary State. During this period of transition, the victorious proletariat, led by their communist party establish the class government of the working classes. The communists call it the *Dictatorship of the Proletariat.* It is not a constitutional, parliamentary government, which, according to the communists, suits the capitalist States of the bourgeoisie. It is a revolutionary government of the working classes, invested with oppressive and autocratic powers. "In order to break down the resistance of the bourgeoisie." writes Marx, "the workers invest the State with a revolutionary spirit." Its purpose is to prevent and suppress all attempts of the dispossessed capitalists from regaining their former hold on the State and in the society. Hence the revolutionary dictatorship of the communists will wage a long and obstinate struggle during this transitional period. As Lenin says, *"the transition from Capitalism to Communism forms whole historical epoch"*. During this period, the communist Dictators will bring about the following changes and transitions: the abolition of private property; nationalisation of the means and methods of production, such as land, factories, industrial plants, banks, trade and commerce, and the means of communication and transport; enforcement of an equal liability of all to work; abolition of all class distinctions and privileges; prohibition of child labour in factories and farms; the universalisation of education and culture, etc. These are its negative tasks. It will also undertake positive functions and tasks, such as the extension of public ownership in other fields of production, popularisation of culture, universalisation of education, science and learning and the building of socialist character and morality. Thus the Communist State has both destructive and constructive tasks, i.e., to destroy capitalism and construct socialism. When these tasks are completed, its historic role will end, and the foundation of the communist society will be laid. With this the revolutionary State of Communism will come to a close.

The Post-Revolutionary State; the "withering away" of the State. When the bourgeoisie is suppressed, and all traces of capitalism are wiped out, the necessity of the State comes to an end. This is the twilight of the State. It will then, as Lenin says, "wither away", giving place to a free society of voluntary associations formed for the transaction of public business. This is the beginning of the new classless, Stateless, communistic society—the ultimate historic goal of Communism. Its advent will mean that the revolutionary period is over. "When organizing production anew", says Engles, "on the basis of a free and equal association of the producers, society will banish the whole State-machine to the place which will then be the most proper one for it—the museum of antiquities-side by side with the spinning-wheel and the bronze axe."

The classless, Stateless society.

This will be the climax of communism. It will be a Stateless society, for the State has withered away. It will also be a classless society, for the classes have been abolished. It will be an anarchistic society of complete freedom of the individual, in which, as Engels puts it, mankind will emerge "from the kingdom of necessity to the kingdom of freedom". Economically, it will be an age of superabundance of production and one in which each individual will "work according to his ability and get things according to his needs." Marxist Communism, therefore, aims at the highest perfection of human individuality by creating a social structure "in which the free and full development of every individual forms the ruling principle." That is the reason why the Communists believe that, as Joad puts it, "the battle they are fighting, though outwardly waged on behalf of a dispossessed class, is really the battle of the whole of mankind; and it is this conviction, embraced with the intensity born of a disinterested ideal, which generates the power of self-sacrifice and self-devotion underlying a superficially somewhat arid and doctrinaire programme."[57]

Criticism of Marxism and Communism.

Marxism and Communism have been subjected to severest criticism from the very day Marx and Engels wrote their world-famous booklet, the *Communist Manifesto*, and still more furiously when the first Communist State came into power in Soviet Russia under Lenin's leadership in November, 1917, they are attacked by writers, philosophers, Statesmen, politicians and others. This criticism has become all the more severe after the World War II, when nearly a third of the world population had gone Communist and the world was divided into two Power Blocs, bitterly hostile to each other. Some of the points of criticism against Marxism and Communism are as follows:

1. ***Marxist theory of history is hopelessly one-sided.*** The materialist conception of history lays emphasis on the material or economic conditions which determine historical events and movements. It neglects other causes, such as political, geographical, religious, moral, intellectual, social, psychological, etc. Such sociologists as Giddings and Hobhouse criticise the economic interpretation of history as one-sided view of life and society, for other factors also influence and determine them. According to them, human life and society should be interpreted pluralistically rather than materialistically. Economic factor is undoubtedly important, but others cannot be overlooked in interpreting history.

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[57] Cf. Modern Political Theory, p. 20

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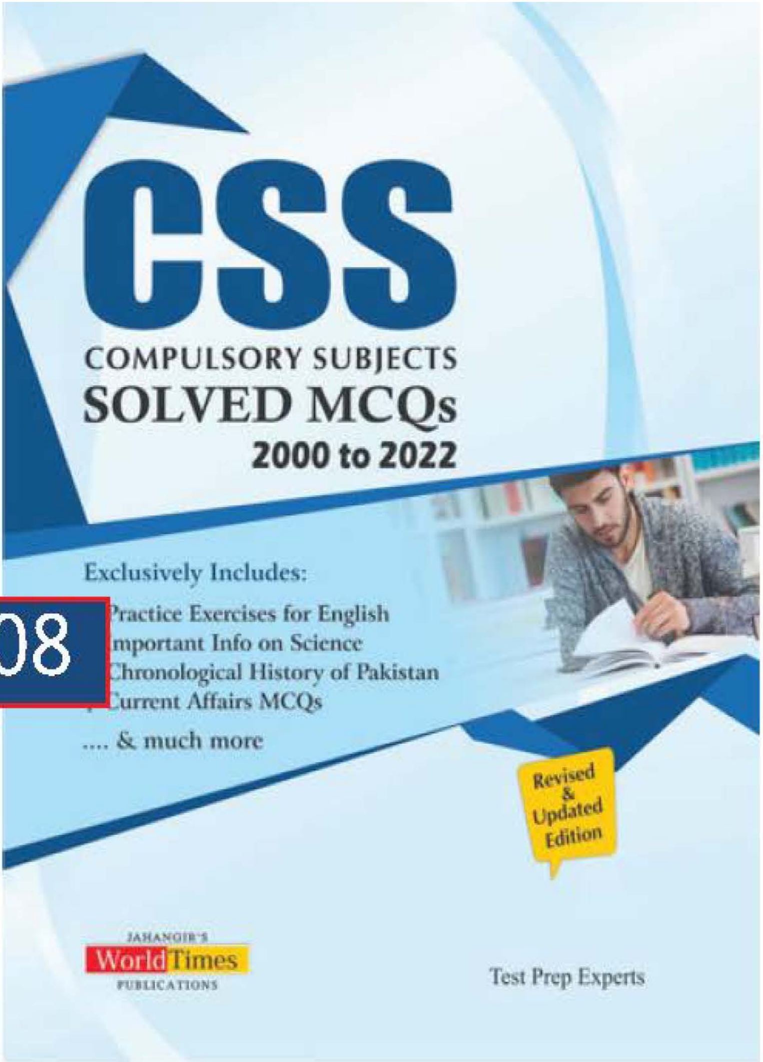
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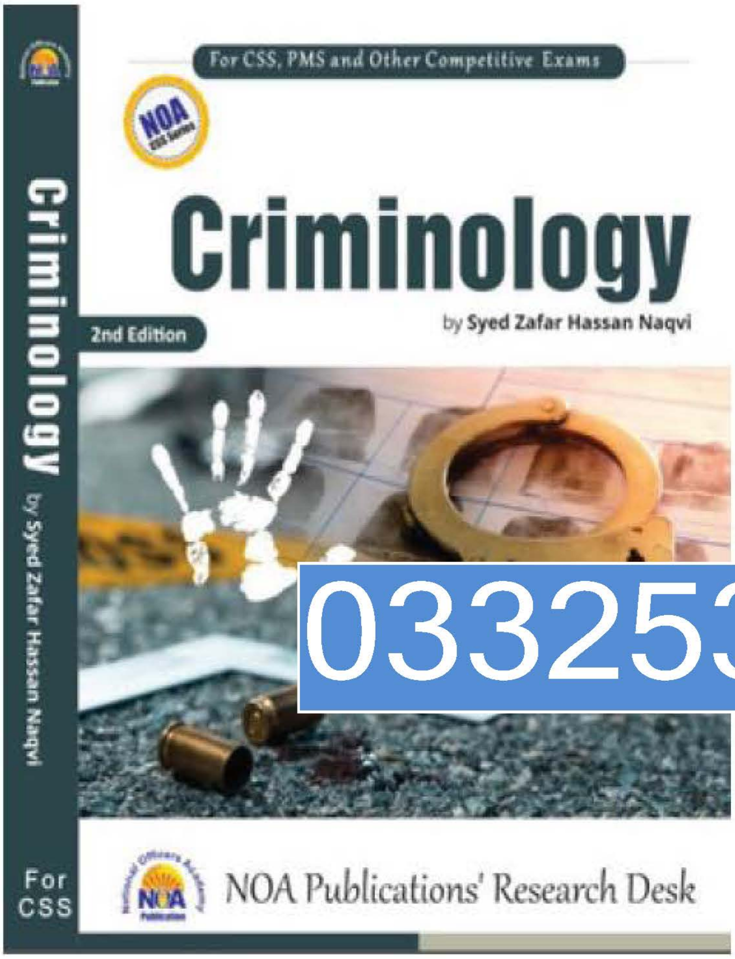
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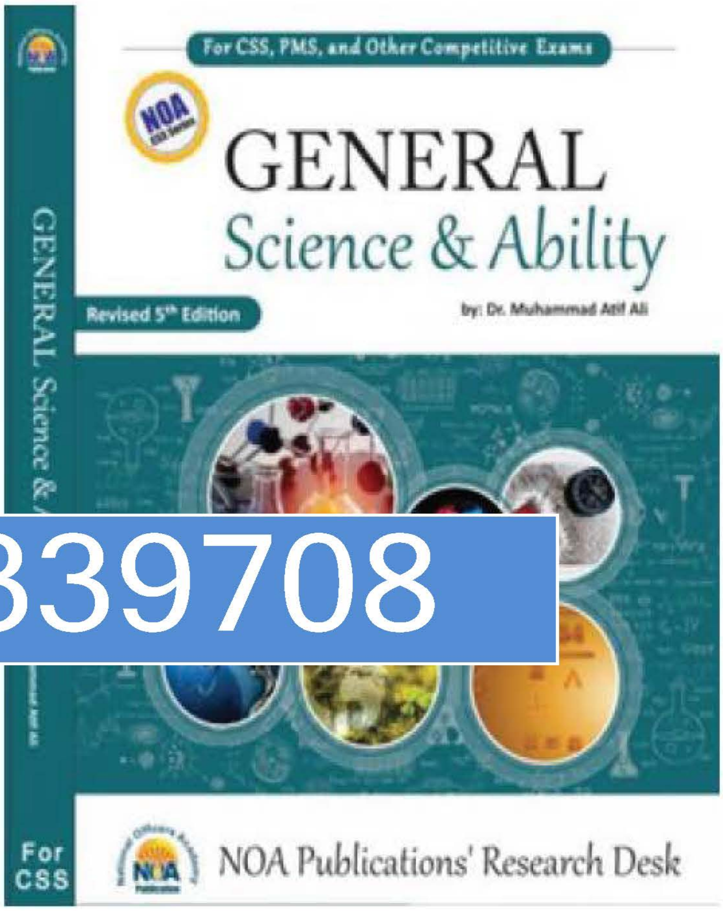
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2. ***The Communist theory of class struggle is not supported by history.*** The critics point out that to regard history as nothing but an endless series of class wars is pessimistic and over-dramatic view. Society is not necessarily organised into hostile classes, in which the poor are exploited by the rich.

3. ***Marx's prophecy that social revolution would come in industrially advanced countries has been falsified.*** Socialist Revolution occurred in Russian in 1917, which was a backward agrarian country, while it did not happen in Germany, England or the U.S.A., which were highly industrialised countries.

4. ***The Communist view that the State will wither away is not correct.*** In communist countries of today the State has not withered away. Instead of that, it has become stronger than ever. Indeed, communist States have become authoritarian and totalitarian, controlling all aspects of human and national life.

5. ***Marx's prediction of the growing impoverishment of the working classes in the capitalist countries has also been proved to be false.*** The conditions of the working classes in the capitalist countries have become better and happier than it was in Marx's days. Moreover, instead of the parameterisation of the small capitalist, the common people now share in the profits of capitalist undertakings as shareholders in big, corporate concerns. But the Communists reply that this improvement is accompanied with the growing impoverishment of the subject peoples of the colonies and backward countries of the former empires of the European countries and America. Nevertheless, big and small capitalist countries exist side by side in the capitalist countries.

6. ***Lastly, the methods of Communism are revolutionary, violent, and undemocratic.*** Communism is a philosophy of revolution, and does not appeal to peaceful minds. The violent methods of a revolutionary continue even when the need for them has long ceased to exist. This confirms Lord Acton's dictum: "All power corrupts; absolute power corrupts absolutely"

Collapse of Communist System:

In 1985 Mikhail Gorbachev became the General Secretary of the Communist Party of the Soviet Union, the most powerful Communist State in the world. After his rise to power, he introduced such changes in the theory and practice of Communism, which have led to the collapse of Communism in many Communist countries of the world, except China, Cuba, and North Korea till 1990. These changes began with two policies of Mikhail Gorbachev, which he called glasnost (openness) and perestroika (restructuring). What are the causes of the collapse of Communist system? They are many, but we shall mention important ones only:

1. ***Failure of the Communist economic theory:*** As we have said above, Marxism-Leninism aimed at tremendous economic development in every communist country by means of centralised planned economic system. Although the Soviet Union achieved great progress in heavy industry, but it failed to do so in the case of the consumer goods industry, with the result that there was always great shortage of food and other articles of daily needs. It caused much hardship and discontent among the common peoples in the Communist countries, especially in the Soviet-dominated East European countries in comparison with the rich countries of Western Europe and USA. When Gorbachev proclaimed *glasost* and *peresroika*, the East European countries, namely East Germany, Poland, Czechoslovakia, Hungary, Romania, and Bulgaria were the first to discard the communist system, and adopt the free market economy of the capitalist West. Not only the economic successes of the capitalist USA as against the communist Soviet Union but also the economic successes of the capitalist West Germany as against the Communist East Germany further confirmed the failure of the Communist government-controlled economic system of production and distribution .

2. ***Communist system was based on totalitarian dictatorship:*** In every communist country, all powers were concentrated in the hands of the Communist Party and its General Secretary. No opposition party was legally allowed to exist. Although the Soviet Constitution granted many basic rights but these were only on paper. In fact, no individual enjoyed any right, and freedom, such as the freedom of opinion, to form a party, or freedom of the press, or freedom of association or freedom to travel in one's own country. With the collapse of Communism, several political parties have come into being in East European countries. Even in the Soviet Union the old monopoly of power of the CPSU (Communist Party of the Soviet Union) has been discarded and an opposition party is being set up, but the conservative elements in the Soviet government and army are trying hard to prevent the rise of a real opposition party in their country.

3. After its victory in the Second World War, Soviet Union dominated almost all the East European countries. But since 1989, they have again become independent, sovereign States. Thus East Germany, Poland, Czechoslovakia, Hungary, Romania, and Bulgaria have reasserted their independence.

4. Several component Republics of the Soviet Union are also trying to become independent, sovereign States, such as Azerbaijan, Armenia, Georgia, Ukraine and the three Baltic Republics of Lithuania, Estonia and Latvia.

All these failures and changes will, sooner or later, end in the transformation of the Communist States. Some of them will remain communist in name but will become capitalist and democratic States, based on capitalist economic system and on the human rights and freedoms of the individual. However, with the revival of capitalism, such capitalist troubles, as inflation or rise in prices and unemployment, will also begin in these countries.

Chapter 42

Anarchism

Meanings of Anarchism.

Anarchism is a unique theory of the State, for its ultimate aim is to rid mankind of the State and politics, and attain utmost individual liberty. It is defined as a doctrine which seeks to abolish political authority in all its forms because it is unnecessary and undesirable for human individuality, liberty and happiness. As one of its chief exponents, Kropotkin, puts it, Anarchism is "a principle or theory- of life and conduct under which society is conceived without government or State, harmony in such a society being obtained not by submission to law or by obedience to any authority, but by free agreements concluded between the various groups, territorial and professional, freely constituted for the sake of production and consumption, as also for the satisfaction of the infinite variety of needs and aspirations of a civilized being."[58] The term "anarchism" is derived from the Greek word "anarchia" which means no-rule or absence of rule and government: (an = no + arche = rule).

History of Anarchism.

Like Communism, Anarchism is also one of the oldest dreams of mankind. Zeno and other Greek Stoics were the first to declare that good life could not be possible in the State. Certain Christian mystics in the middle Ages also preached freedom from man-made laws and political organisation. But modern Anarchism is the extreme left-wing of Socialism. Its aim is to create a classless, Stateless and non-religious society. It was first expounded as a political doctrine by an Englishman, William Godwin (1756-1836), and a Frenchman, Proudhon (1809-65) who was the first writer to call himself an anarchist. But its greatest exponents were three Russian thinkers: Bakunin (1815-76), Tolstory (1828-1910) and Prince Kropotkin (1842-1921).

Basic Principles of Anarchism.

The basic principle of Modern Anarchism can be summarized as three, *viz.*, the opposition and abolition of the State, the abolition of private property and the suppression of religion.

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[58] *Quoted in Modem Political Theory* C.F.M. Joad. p.98.

Opposition to the State.

Anarchism is opposed to the State *in toto* and advocates its abolition in all its forms and essence. The Anarchists are opposed not merely to the despotic and corrupt forms of the State, like autocracy, but also its best forms, like democratic and representative forms of government. They advance several arguments against the very nature and existence of the State as follow:

1. ***The State is based on power, which corrupts those who exercise it and dehumanises those against whom it is used.***

The politician, for example, is wicked not because of his nature but because of his position; not because he is a man but because he is a politician. As Kropotkin remark: "This or that despicable minister might have been an excellent man, if power had not been given to him." In the Anarchist view, democracy is as little to be preferred as despotism, for it is based on the use of force and power of the majority over minority. The theory of representative government is fallacious, for no one can represent another. A representative government is really a misrepresentative government. Liberty of the individual is the supreme goal of Anarchism, but liberty is only possible when the State and its coercive controls over the individual are abolished.

2. ***The State is an evil, for it protects an evil, namely private property.***

Private property, writes Bakunin, could not exist without the State and the State could not exist without private property. Each sustained the other, and each magnified the evils of the other. So long as either existed, the working class would be ground down and dispossessed.

3. ***The State is superfluous and unnecessary.***

The Anarchists reject the age-old thesis of Aristotle that the State exists to do well, i.e., for the moral expression and perfection of the individual. They declare that it does no good to the individual or to the society. Kropotkin holds that it is without any natural or any historical justification. In short, according to the Anarchists, the State in all its forms is both unnecessary and injurious for all relations, activities and achievements of mankind. It can perform only one function: it should sign its death-warrant and vanish. There was no State in the early history of mankind and there will be no State in the future.

Opposition to Property.

Second basic tenet of Anarchism is the opposition to the system of private property and capitalism, as does Socialism in general. They are condemned: *firstly*, because they generate all social and economic evils in human life; and, *secondly*, because they are not necessary for production. The evil effects of private property and capitalism are found among both the workers and the capitalists; according to Kropotkin, "among the masses—

want and misery, millions unemployed, children of retarded growth, constant debts for the farmers; among the wealthy few—prodigality, ostentation, idleness, leading to the pursuit of coarser pleasures, debasing the press, and inciting war." Kropotkin says further, "Each discovery, each advance, each increase in the sum of human riches owes its being to the physical and mental travail of the past and present. By what right, then, can any one whatever appropriate the least morsel of this immense whole and say—'This is mine, not yours?" Hence, by its very nature, private property is an offence against justice, for under it a minority retains the major benefits created by the combined efforts of multitudes of mankind of the present and past generations.

Opposition to Religion.

Anarchists also condemn religion for the reason that while the State protects the evil institutions in the existing society, religion sanctifies them. As Bakunin says, religion is consciously used by the possessors of wealth and political power to perpetuate their unnatural superiority. It diverts human mind from the affairs of this world to those of the other and feeds it on fancy, superstition and credulity and insults human reason and intelligence. "Religious faith should be displaced by science and knowledge; the fiction of future divine justice by the actuality of present human justice." Kropotkin also condemned religion on both scientific and spiritual grounds. Religion, he said, "is either a primitive cosmogony, a crude attempt at explaining nature, or is an ethical system which, through its appeals to the ignorance and superstitions of the masses, cultivates among them a tolerance of the injustices they suffer under the existing political and economic arrangements" He further says that the existing religions should be replaced by "social morality"— a natural religion, which is essential to any society, for "no society can exist without certain moral habits and rules that evolve unconsciously and as a consequence of which men respect one another's interests and rely upon one another's words." it is a true morality, for it will last while religion and its system of philosophy will pass away.

Ideals of Anarchism.

Utmost liberty of the individual, his freedom from all authority and coercion, justice and communistic equality, a true human morality, and the human dignity of man, such are the ideals of Anarchism Joad has succinctly summarized them as three aims of Anarchism thus: "(1) Anarchism would free man as a producer from the yoke of capitalism. (2) It would free man as a citizen from the yoke of the state. (3) It would free man as an individual from the authority of religious morality derived from hypothetical, metaphysical entities, such as an omnipotent God." How are these aims and ideals to be achieved? This question leads us to the methods of Anarchism.

Methods of Anarchism.

The question of method has divided the Anarchists, like the evolutionary and revolutionary socialists, into two groups, *viz.*, the philosophical and the revolutionary anarchists. The Philosophical Anarchists, like Tolstoy, advocate peaceful and non-violent methods of education, persuasion and example to achieve their goal. The Revolutionary Anarchists, like Bakunin and Kropotkin, advocate revolutionary methods of violence, bloodshed and revolution to get rid of the state, and establish an anarchist society. But they believe that revolution should aid evolution of the present society which is already leading it towards the anarchist society of the future. The "current of events and facts" is already leading mankind towards the anarchists' goal: the Anarchists needs only accelerate this flow by removing obstacles and impediments. This may need the use of force, violence, bloodshed and organised insurrection. The anarchist revolution is not like the communist revolution which would replace the capitalist State by a communist State or dictatorship of the bourgeoisie by the dictatorship of the proletariat. The anarchist revolution would put an end to the State as such. It would be the destruction of all political authority and law and "public order". Rulers and officers will be removed from their seats of authority. Courts, police, jails and all other instruments of coercion and force will be demolished and men and women will be left to their own instinctive impulses and needs to reorganise a free society based on voluntary relations and association. Thus, as Kropotkin says, evolution must culminate in revolution; "a frightful storm is needed to sweep away all this rottenness, to vivify torpid souls with its breath, and to restore to humanity the devotion, self-denial, and heroism without which society becomes senile and decrepit and crumbles away."

The Free Society of Anarchism.

Most of the Anarchists are vague about the kind of anarchist society that will arise after the destruction of the State. Only Kropothin has given a more detailed picture of it in his books: *"The Conquest of bread"* and *"Anarchist Communist"*, as described below:

Its social organisation.

According to Kropothin, in the anarchist society, free association will prevail. "Society will be organised as a hierarchy of voluntary bodies, beginning with the simple and working upwards to the complex." There will be no distinction of race, colour, nationality or creed. There will also be no government and no political authority to organise the society. *Firstly,* persons in the same locality with the same ends and needs will voluntarily combine into simple groups and then these groups will combine into larger and more complex associations on the same basis of freedom and voluntary contract. Finally these associations and leagues will extend to the whole country and even to the whole world. These groups and associations will be organised for various purposes, according to the actual needs and desires. "A complex interweaving of associations with order everywhere and compulsion nowhere forms the stuff of which an Anarchist society will be made."

Its economic organisation.

Economically the new order will be one of complete communism. Everything will be owned in common by the society whether it is an article of production or of consumption. The production and distribution of the socially—owned wealth will be organised on the basis of voluntary contracts. Land and other instruments of production will be worked by those persons who like to work either individually or collectively. People will enter into productive associations formed on such a contract: *"We are ready to guarantee to you the use of our houses, stores, streets, means of transportation, schools, museums, etc., on the condition that from your twentieth to your forth-fifth or fiftieth year you apply four or five hours a day to some work recognised as necessary for life."* As regards distribution, the products will be shared by those who work or are willing to work, but distribution will be on the basis of need and not work. Every labourer will be permitted to satisfy freely his needs from all that is abundant. Scarce goods will also be distributed according to needs, with priority for children, the aged and the weak.

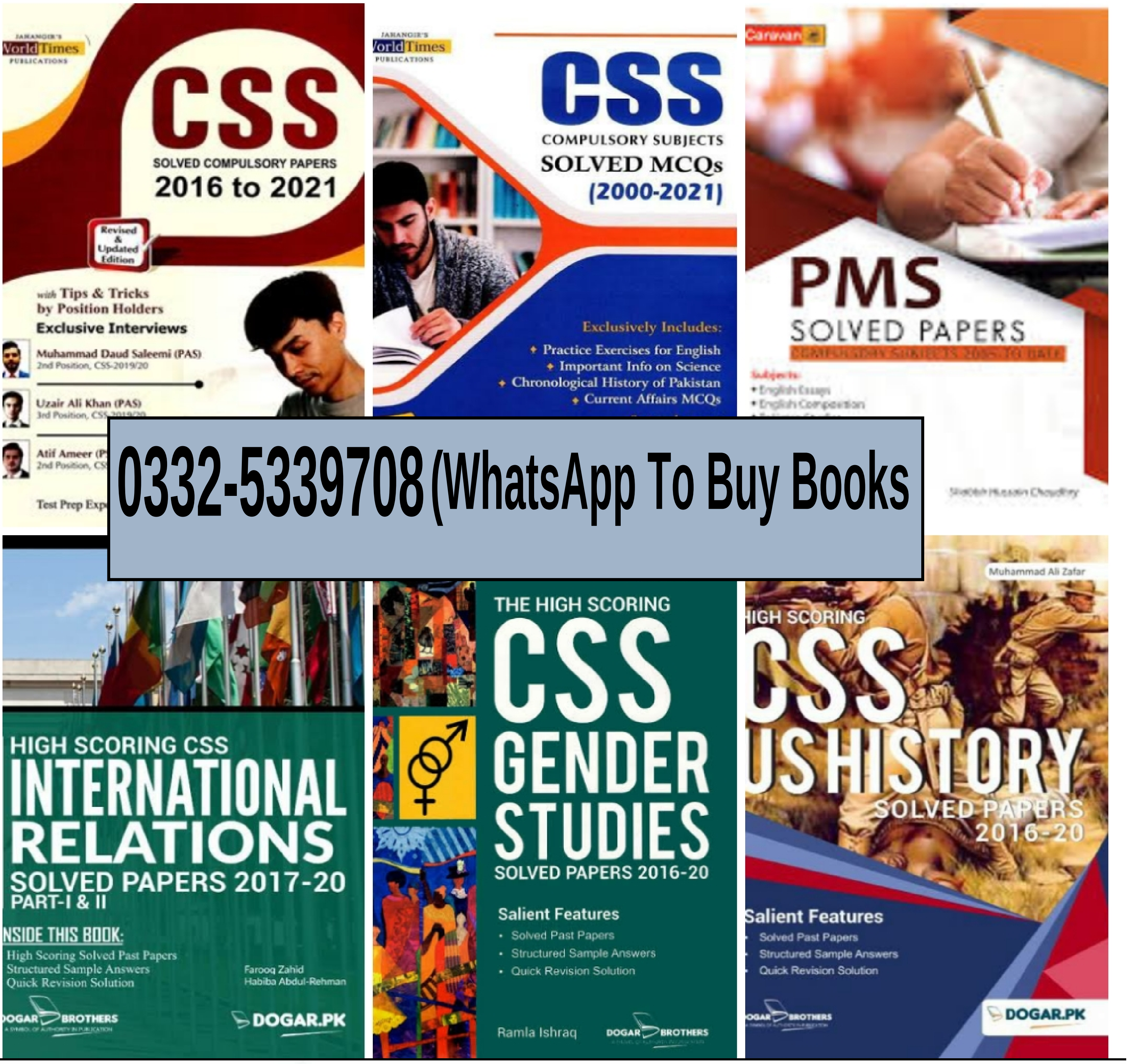
Evaluation and Comparison.

Anarchism is first and foremost a plea for decentralisation, both territorial and functional. It organises society from the smallest and simplest group and works up to the most complex. It is anti-authoritarian and seeks to devolve all economic and social functions of human life on voluntary groupings. This feature makes Anarchism resemble Syndicalism and also to be distinct from Marxist Communism. Organisation of economic and social life into small local groups is a feature common to both Anarchism and Syndicalism while Communism tends to centralise them.

As regards methods, Anarchism, Syndicalism and Communism agree in the use of revolutionary and violent ones. Even in aims, there is something in common between them. But Anarchism and Communism differ regarding the role of the State in the attainment of their goals 'We do not at all disagree with the anarchists", said Lenin, "on the question of the abolition of the State as a final aim; but Marxism differs from anarchism in that it admits the necessity of the State and State power in revolutionary period in general, and in the epoch of transition from capitalism to Socialism in particular." In other words, the anarchists, the socialists and the communists have the same goal a classless and Stateless society but they follow different, even divergent, roads towards it.

Criticism of Anarchism.

Anarchism presumes that man is by nature an angel. This is, however, too optimistic a view. Human nature has two sides — good and bad. Some authority is necessary to restrain the evil tendencies in man. Unrestricted liberty is licence. State is necessary to check the strong and the cunning. This means that the anarchist society of the future is a Utopia which cannot be realised. As Bertrand Russell says: 'the anarchist ideal of a community in which no acts are forbidden by law is not at any rate for the present, compatible with the stability of such a world as the desire of anarchists.' The State in some form, whatever may be said in criticism of its mistakes, its inefficiency, its abuse of power, is and always will be an absolute necessity among civilized men." Furthermore, human society in modern times has become very complex, but the Anarchists regard it in too simple, local and in almost primitive terms. Moreover, the State has not been so superfluous and worthless an institution in human history as they believe. On the contrary, history teaches us that without the State no progress, no civilisation, no peace and even happiness would have been possible. Lastly, the anarchist principle of spontaneity or free agreement and free association is not as universal as they believe. Morality is undoubtedly self-developed and self-expressed. But here also the State can greatly help its growth by creating external conditions which promote moral life. In the end, however, it must be conceded that Anarchism has rightly exposed the abuse of power by unscrupulous rulers and the greed of the capitalists to exploit the masses. The Anarchists have rightly pointed out the existing shortcomings of the State, capitalism and religion.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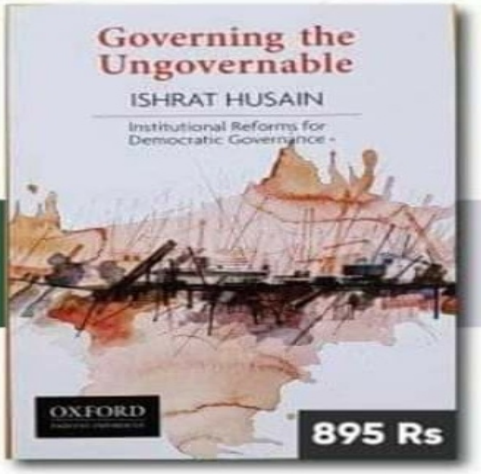
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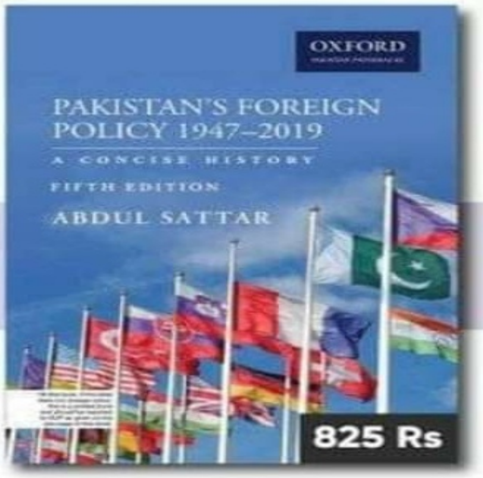
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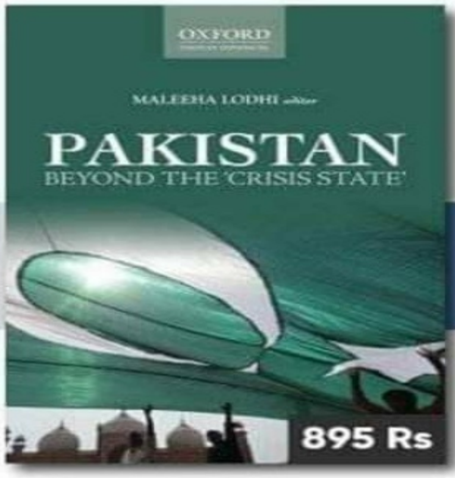
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Chapter 43

Imperialism

We shall now deal with a political phenomenon which affects several States and countries and has, therefore, international and even global significance. It is called Imperialism.

Meanings of Imperialism.

Imperialism means differently to different people. In simple terms, it means the policy of a powerful State to conquer or dominate weaker States and countries. In this sense, imperialism is a product of military power. Whenever a country or a conqueror, a people or a State, becomes militarily strong, it seeks to build an empire by conquering and subjugating other peoples, countries and areas of the world. Understood in this sense, Imperialism is as old a political phenomenon as the great empires of the ancient East and West, like the Empires of Ancient Babylon, Assyria, Egypt and Persia and of Alexander, and Rome, or the Medieval Empires of the Indian Mughals, Turkish the great Sultan, etc. But this term is not used in Political Science in this sense today. Modern Imperialism is different from the ancient or medieval Imperialism, for it is more than mere military conquest and domination. It has also economic, political, social and other aspects, which were either insignificant or non-existent elements in the earlier Imperialisms. Moreover, it is a product of nationalism of the modern nation-State which did not exist in the past. These aspects and elements have made Modern Imperialism colonialist. Colonialism is the basic feature of Modern Imperialism. Earlier Imperialisms either lacked it completely or it existed only in a rudimentary form. Modern Imperialism or Colonialism may, therefore, be defined as a policy or by which a nation-State establishes its political domination and economic control over other countries, nations and peoples due to their economic, social and cultural backwardness, for the purpose of their economic exploitation.

History of Modern Imperialism.

The history of the modern Imperialism began with the European Age of Discovery, at the end of the 15th century, when Columbus discovered the Red Indian's America and Vasco da Gama went round the Cape, significantly christened as the Cape of Good Hope, and landed on the coast of India at Calicut. Soon after this, first arose the empires of Spain and Portugal in the Americas and in South and East Asia. These empires, however, were not fully modern in form and policy, for they retained many features and practices of the earlier imperialisms. Only when the maritime countries of north-western Europe, Holland, France and England, entered in the global arena of empire-building that modern imperialism was really born. For the next two centuries, 17th and 18th centuries, these three countries not only attacked and destroyed the earlier Spanish and Portuguese Empires in Americas and in South and East Asia, but also furiously fought with each other to seize and snatch each other's possessions. This was, for instance, the background story of the Wars of Clive and Duplex i.e. of the English and the French wars in the decadent Mughal India.

The final transformation of Modern Imperialism took place during the 9th century, and it then emerged into its present-day form. This change was brought about by the entry into the sordid game of empire-making by Germany, Italy and finally by Russia and the U.S.A. and even by an Asian country, Japan. The tragic consequences of this game of empire-building were the final subjugation of Indo-Pakistan by England and the division of almost the whole of Africa among the various Imperialist countries of Europe from Spain to England and Germany. Each of these Empires of colonies, dependencies, protectorates, lease-holds and "spheres of interests" scattered over the globe. By the beginning of the consisted 20th century almost the whole Earl was parcelled out among the Empires of Great Britain, France, Belgium, Germany, Italy, Russia, the U.S.A. and Japan, as well as the remnants of the earlier empires of Spain, Portugal, Austria and Ottoman Turkey, which do not really fall into the category of modern Imperialism. In this scramble for empire-building. Great Britain and France got the lion's share, and the Britons hosted that the "sun never sets on the British Empire."

The First World War (1914-19) was fought by these Imperialist Power to seize safeguard each other's possessions. It, however, turned out to be different; for it opened a new phase of national liberation in the history of Modern Imperialism, and thus sounded its death-knell. Modern Imperialism has since then to struggle for their liberation from an era of constant crisis, for the subjugated nations of Asia and Africa colonial slavery, exploitation, poverty and backwardness. However, modern Imperialism did not vanish as easily as did the earlier Imperialisms. It has assumed a new form of Economic Imperialism, as distinguished from the Political Imperialism of the 19th century.

Factors and Causes of imperialism.

Many causes, factors and conditions give rise to modern Imperialism. They are:

(1) ***The military disparity between the imperialist nation and the invaded country,*** which makes invading nation superior in arms and military organisation to the native peoples whom it conquers and enslaves.

For instance, the British conquerors of Mughal India were much superior in arms, equipment, discipline and military organisation than all the native peoples of the sub-continent, whether Muslims or Hindus, Mughals or Marathas, or Afghans or Sikhs. If this disparity is too great, as in the case of the Red Indians and the American settlers or the Bushmen and the Australian colonisers, then the military contest between the two, ends in the physical extermination of the vanquished population.

(2) ***Political Differences of development.*** The imperialist State possesses a great political advantage over the native peoples and vanquished country in that it has already become a nation and has political unity, and solidarity which nationalism gives to its people, while the conquered and enslaved peoples are politically still in the pre-nationalist stages of evolution. They are divided into tribes, castes or religious communities and sects which create political and social disunity and dissensions among them, thus enabling the imperialist invaders to enslave and rule them. The death-knell of Imperialism is sounded when the subjugated people begin to develop a national unity and solidarity among them.

(3) ***Economic disparity of development.*** Nations and countries of the world do not develop uniformly. History shows us that some are more advanced than others. They have better, more efficient and dynamic in economic production and organisation than those which have lagged behind in economic evolution. The countries of Europe and America developed large-scale machine production long before a similar evolution took place in Asia and Africa. The disparity of development in the West and the East changed the advanced countries of the West into imperialist nations They began to conquer colonies and markets for raw materials and sale of manufactured goods in the subject countries. The ever-increasing economic exploitation and impoverishment of the latter further increased this disparity.

(4) ***Social and cultural disparity.*** The imperialist nations possess social and cultural unity, dynamism and progress, while the subject peoples are socially and culturally backward, static and unprogressive. Their tribal, religious, caste, and cultural ideas, relations beliefs and customs make them stagnant and decadent people and prevent them take up the challenge of imperialist culture and civilisation. This makes them to succumb to the imperialist conquest and domination for a long time, till they modify and develop their civilisation, society and culture in order to defy and defeat the imperialist power.

(5) ***Intellectual disparity.*** In matters of science and learning, arts and philosophy, knowledge and propaganda, education and training, an imperialist nation is more advanced and developed than its enslaved peoples

and countries. Hence, in this respect also. Imperialist domination lasts so long as this superiority lasts.

Theories of Imperialism.

There are many theories to explain the origin and nature of Imperialism. We shall here deal with two of them; viz., the racial theory, and the Marxist theory of Imperialism They are described as below:

Missionary or Superiority or Racial Theory of Imperialism.

Imperialism is a complex political phenomenon and can be explained from different angles; such as from the standpoint of the Imperialist power, or that of the subject nation or as a historical event. The racial theory is an explanation of this phenomenon from the standpoint of the imperialist nations and powers. Obviously, it is enunciated differently by the various writers, for each nation and writer regards his State or society differently. Whatever their differences may be all agree that their own national character, culture or civilisation is inherently superior to the races, cultures and civilisations of other nations. Hence it is cither a "gift of God" or a "Law of nature"; that the superior or better nation, race or culture, "better blood" or the like must expand and conquer the "inferior" races, nations and cultures. A superior nation or race or culture has a "mission" to preserve and expand itself over all other "inferior" ones. Such is the superior end of human existence and the "Will of God". Imperialism is nothing but the fulfilment of this 'mission' and of the right of independent existence which belongs to the better peoples of the world to expand and fill "God's earth' with superior people race or culture. These claims of superiority and domination are also justified on the basis of "blood" or colour, or climate or creed. Thus the British writers like Seeley. Benjamin Ridd, Joseph Chamberlain, Rudyard Kipling, and others explained British Imperialism as a manifestation of the superiority of the British nation and colour. The German writers usually laid stress upon their race or culture and considered Imperialism as racial phenomenon or a "kulturkampl" or culture-struggle. The American writers consider imperialism as a "matter of destiny" of course, of America alone to dominate others, "as certain as the advent of spring or summer" which it is futile to resist or struggle against as an "idle contention against cosmic law." The French writers emphasise this superiority in terms of culture, thought, art and language Whatever their differences of emphasis and explanation, all agree that the superior people are the better people and that their domination and exploitation of the weak and inferior people is justified by laws of nature, God and history They must cither exterminate the backward peoples or teach to "the lesser breads without the law" the blessings of superior and advanced civilisation and culture. They assert that by imperialist domination and exploitation will raise human civilisation and progress to higher stages

The "missionary" or superiority theory of Imperialism is not new. It was expounded by the writers and historians of the past to explain the phenomena of military conquest and rule of the conquerors, of the cities, tribes and peoples of the past. What its modern European exponents have done is to give it a "scientific" appearance by reference to geographical' or biological facts and 'laws' and theories, like that of Darwinism. But in spite of the "scientific" complexion of this theory, the fact remains that the "superiority" of the nation, race or culture is an accident of history and not something inherent in it. Moreover, this theory is a one-sided, partial explanation of Imperialism, for which reason it acquires the nature of a 'myth' and 'big lie', dinned into the ears of the imperialist and subject peoples for the purpose of edifying the former and demoralising the subject people and enslaving them. Lastly, it justifies militarism and condemns greater part of humanity to slavery, misery and poverty. It is not based on the higher and nobler ideals and values of human life and history.

Marxist or Leninist Theory of Imperialism.

The Marxist or Communist theory of Imperialism was first enunciated by Karl Marx, but perfected by the Russian leader, Lenin, afterwards. According to Lenin, Imperialism is the highest stage of capitalism when it expands from the boundaries of one nation into those of other lands and peoples in quest of markets and colonies to increase capitalist profit and monopoly. "Imperialism is the monopoly stage of capitalism." It arises due to the Law of the Uneven Development of Capitalism, which creates two kinds of capitalist countries, some more advanced industrially than the others. This creates a struggle between them for re-dividing their colonies and markets. This leads to wars between them: the two World Wars are the best illustration of the imperialist wars. Hence modern imperialism, as Lenin himself puts it, embraces the following five essential features:

(1) The concentration of production and capital developed to such a high stage that it created monopolies which play a decisive role in economic life.

(2) The merging of bank capital with industrial capital and the creation, on the basis of this, 'finance capital' of a financial oligarchy.

(3) The export of capital, which has become extremely important, as distinguished from the export of the commodities.

(4) The formation of international capitalist monopolies which share the world among themselves.

(5) The territorial division of the whole world among the great capitalist powers is completed. From this follow several consequences. Firstly capital is concentrated in a few countries, which become the Great Imperialist Powers. Secondly, as the whole world is divided among them, and as the Law of Uneven Development of Capitalism

must produce increase or decrease of economic and political power, the Great Powers must fight against each other for the redistribution of each other's colonies and possessions. This leads to endless wards and world ward. *Thirdly*, imperialism creates the parasitism of the 'rentier' and working classes of the imperialist countries who are bribed by the imperialists out of the huge wealth plundered from the colonies and possessions. *Fourthly*, Imperialism is the last stage of capitalism because it accentuates the contradictions of capitalism, divides the world into the rich countries and the impoverished colonial dependencies, increases wars and hostilities, which increase the miseries of the whole mankind. *Finally*, capitalism is swept away in those countries where the working class rises in revolt and brings about a proletarian revolution, because it is the weakest link in the capitalist chain" Thus begins the decline and fall of capitalism and imperialism

Leninist theory of Imperialism is a basic tenet of modern Communism. It is, however, mono-causal in its explanation of the nature of Imperialism. It has emphasised the economic aspect of Imperialism It has, no doubt, laid open the real nature of modern wars, the causes of the backwardness of the subject peoples and countries But the Communist theory has used the word 'imperialism' in a less comprehensive sense, as an outgrowth of capitalism.

The Vacuum Theory of Imperialism.

Imperialism is essentially a phenomenon of force and domination, on the one side, and subjugation and exploitation on the other, arising from the disparity and inequality between the imperialist and the subject nations and peoples. It arises whenever a political, economic, social, cultural and intellectual inequality and disparity exists in the international world. This inequality and disparity creates a "vacuum" or absence of political, economic, social, cultural and intellectual power and ability to resist aggression and intervention of the more advanced nations or States. Once established, the imperialist domination lasts so long as the vacuum or conditions of inequality, disparity, backwardness and weakness lasts. All subsequent changes and development of the rise, fulfilment, decline and extinction of Imperialism are exactly proportionate to the nature and magnitude of the "vacuum" or the relative conditions of weakness, backwardness and disparity between the master and slave countries last in all aspects of their national life. Whenever the 'vacuum' is filled, that is, when the conditions of disparity are wiped out, either by the growth of economic, political, social, cultural and intellectual power of the subject nation or by the decline of the economic, political, social and intellectual, and cultural power of the imperialist nation The domination and hold would of the imperialist also vanish. This is what is happening in the present-day world since the First and Second World Wars.

This theory has the merit of explaining the phenomenon of Imperialism both in time and space, both as a historical phenomenon and as a political, economic, social, cultural and intellectual process of the present times. It also explains the fact that it is capable of chamleon-like changes, as for example, from the political to economic imperialism. It shows that no nation can really be free from imperialist domination till it becomes the equal of the advanced States of the world, in order to resist effectively all future or possible imperialist aggression and enslavement. Only when all the nations of the world will be absolutely equal in economic, political, social, intellectual and cultural achievements, will then Imperialism vanish from human history, society and politics. Then there will be no 'vacuum' or conditions for Imperialism to rise.

Advantages of Imperialism.

Many European and American writers have pointed out several advantages and merits of Imperialism and colonialism. It is civilizing. It spreads Western culture and techniques. It has made Europe and America the most prosperous parts of the globe. But these advantages are of the same kind as Aristotle claimed for the slavery of the ancient times.

Evils of Imperialism.

The evils and ills which Imperialism has caused are far greater and more grievous than its merits. It is a source of global misery of mankind. It is a cause of world wars. It is a negation of all the higher and nobler ideals and values of human existence. It has caused abject poverty, misery, backwardness and degradation of the peoples and countries of Asia, Africa and Latin America terrible. It has been the cause of some of the greatest and most inhuman acts and tragedies in human history, such as wars, national enslavement, the slave trade, and above all, the destruction and extermination of such backward peoples as the Red Indians of America, the Bushmen of Australia, the Negroes of South Africa and now threatens several other peoples such as the Algerians, the Palestinian Arabs, and other Muslim and non-Muslim peoples of the world with the same dire fate.

Part X

International Relation and Organisations
Relations between States

> Nature will drive them with the scourge of war with the extravagant and ever-growing burden of armaments, the weight of which must be felt in the end by every State even when at peace. She will compel them to make attempts, hailing at first and incomplete, and then, after much desolation, destruction and revolution, to do what reason could have taught them at once without so many bitter experiences, namely, to give up their lawless life of savages and enter into a league of Nations--an organisation where every State—even the smallest, can except security and peace, not from its own power or its own decision as to what is right in its own cause, but from this great Society of Nations......where the powers of all are united in the one and the decision is given in the general will acting according to law.
>
> *(Immanuel Kant (1724-1804)*

Chapter 44

International Organisations and World State

A remarkable feature of the modern international relations is the growth of **international** institutions and organisations. They establish more stable relations among the nations of the world and ensure more stable international order and co-operation among different States. They establish more peaceful conditions in the community or family of nations.

International Institutions.

The real goal of international relations and intercourse is not war but peace. However, disputes and quarrels are bound to arise among the sovereign and independent States and nations from time to time. Hence the need is to settle them in a peaceful manner rather than by the arbitrament of war. That is why international law and practice have evolved a number of methods to settle international disputes in a peaceful and amicable manner. They are called *mediation, good offices, **arbitration,** conferences,* etc. In mediation and good offices, a third party, which is a State friendly to the two quarrelling States, seeks to settle the dispute by reconciling their differences. In arbitration, the dispute is referred to a third party who goes into the merits of the dispute and decides it as a case of law. This method was later established on a permanent basis when the Hague Conference of 1899 set up a permanent court of arbitration. In 1920, the Covenant of the League of Nations established a Permanent Court of International Justice, which in 1946 became the International Court of Justice and a part of the U.N.O. Lastly the conference is the method of settling disputes by sitting around a table. If the heads of States participate in such a conference it is called a *"summit conference"* or *summit meeting.* But ordinarily the foreign ministers, ambassadors and such other diplomatic representatives attend the conference.

International Organisation.

We now consider two international organisations which aim at international cooperation and the promotion of world-peace and prosperity, viz., the League of Nations and the U.N.O.

THE LEAGUE OF NATIONS

Origin of the League of Nations.

The First World War (1914-18) caused horrible slaughter and destruction in the countries of Europe and Asia. It produced a horror of war and created an idea to set up an international organisation which would prevent the outbreak of wars in future. As a result of such ideas, and as a result of the discussion in the Peace Conference in Paris, in 1919, an agreement was reached by the victorious Governments to set up an international body, to be called the League of Nations. A covenant or agreement was entered into for this purpose. It was called the Covenant of the League of Nations. The Covenant described the purposes, the constitution and functions of the League of Nations. On January 10.1920, the League of Nations was formally established, with Geneva, in Switzerland, as its headquarters.

History or the League of Nations.

The League of Nations did not live long. After a period of nearly 20 years, it ceased to exist, when the Second World War broke out. The membership of the League of Nations varied from time to time. At first it consisted of 42 member-States, e.g., England, France, Japan and other. Germany was excluded because she started the war. Russia was not allowed to join it, because she had gone communist. U.S.A. refused to join it, because it did not serve her isolationist policy. After the failure of the League to check Italian and Japanese aggressions and conquests in 1935 and in 1937, it was practically dead. The outbreak of the World War II put an end to the existence of the League.

Aims of the League.

The Covenant of the League declared that the aims or purposes of the League were three: namely, (1) to preserve peace in the world, (2) to settle international disputes by peaceful methods and not by war, and (3) to promote co-operation among the peoples and nations of the world, so as to increase welfare and prosperity of these nations.

Constitution of the League.

The League of Nations consisted of an Assembly, a Council, a Secretariat, along with certain Committees, and the International Court. Thus we find that the League had a legislative body, an executive and an administrative body, and a law-court, just like a State. Yet it was not a State, because it had no police and no army. It had no coercive power and could not compel its members to obey it as the Sovereign States can.

The Assembly.

It consisted of the representatives of all the member-States of the League. Every member-State sent three delegates to it, but it had only one vote. The Assembly held its meetings once a year, in September every year. A resolution or decision of the Assembly required a unanimous vote of all the members present. The Assembly had the power to deal with everything within the authority of the League of Nations. It supervised the work of all other organs and Committees of the League. But its powers and functions were mainly advisory. It was, therefore, no more powerful than a college debating society. It was, however, an important thing that the Statesmen and leaders of the States of the world expressed their opinions on important matters confronting their countries and the world. In this sense the Assembly was a useful international forum. It was a source of forming world public opinion.

The Council.

It consisted of four permanent members, namely, France, Italy, U.K., and Japan, and ten elected members from other member-States of the League. The Council met four times a year, but could meet at any time in case of an emergency or threat of war. Each member had one vote, but unanimous decision was necessary if its resolutions were to be accepted by the governments of the world. The Council was an executive body. It decided all questions and disputes of the States. It was a primary factor in the settlement of international disputes.

The Secretariat.

The Secretariat was the administrative agency of the League. It was headed by a Secretary-General of the League. The Council appointed him with the approval of the Assembly. The Secretary-General was assisted by a large staff of officers, experts and clerks. They formed the Secretariat. The duties of the Secretariat were to register all treaties, and to supply information to the member-States about the activities of the League. It collected and published accurate information on many questions of international importance. The Secretary-General submitted reports to the Assembly and an Annual Report on the work of the Council to the Assembly. He prepared the agenda of work for the Assembly. The Secretariat of the League consisted of 637 men and women of 44 nationalities, appointed by the Secretary-General with the approval of the Council. They formed the International Civil Service.

Other Organisations and Bodies of the League.

The League has several other organisations, committees, etc. The most important of them were the International Labour Organisation (I.L.O.) and the International Court of Justice. (Both are described hereafter).

Achievements of the League of Nations.

The primary function of the League was to prevent the outbreak of war by setting international quarrels and solving the disputes between States which might result in a war between them. During the first ten years of its existence, the League had several achievements to its credit. It settled several international disputes between States and nations and thus prevented the outbreak of war between them. During its twenty years of existence, the League settled thirteen political disputes. Among them the first important dispute was a quarrel between Italy and Greece over the Island of Corfu in 1923. The quarrel was amicably settled by the intervention of the League. The second serious, dispute was between Greece and Bulgaria over their boundaries in 1924. Both countries were about to fight. But the dispute was settled by the League peacefully.

It may, however, be remarked that the international disputes which the League settled successfully were between weak and small countries and were of minor nature. When the Great Powers again began to conquer other lands, and exploit other nations, the League was proved to be absolutely incapable of preventing them. Japan conquered Manchuria, a province of China. Both were the members of the League, but it could do nothing to prevent Japan from invading and conquering Chinese territories during 1931-33. Afterwards, Japan left the League and continued her invasion and conquest of China till she was defeated in the Second World War Similarly; Fascist Italy invaded and conquered another member of the League, namely, Abyssinia. The League imposed sanctions against Italy. The sanctions failed to restrain Italy from the war path. Italy also left the League. This proved to the world that the League failed when an international dispute involved a Great Power.

The League tried to prevent the outbreak of war, by outlawing war as an instrument of national policy of the sovereign State. An agreement not to resort to war by all Great Powers of the world was entered into, called the Locarno Pact. But it proved to be a dead letter. Similarly, the Disarmament Conferences ended in failure.

The League of Nations had several social and humanitarian achievements to its credit. Its Health Committee endeavoured to fight against such cruel diseases .all over the world, as malaria, cancer, syphilis, T.B. and others. Further, the League had also controlled the trade and sale of such injurious things as opium. The Geneva Agreement of 1925 proved that the retail, sale, import and distribution of opium shall be the monopoly of the States. Another Committee of the League, called the Permanent Committee on Arts and Letters, performed two services, namely, it conserved the masterpieces of Arts and Letters, and promoted intellectual co-operation. The League dealt with the important questions of labour and of the relations between the workers and employers. These functions were performed by the International Labour Organisation (T.L.O.). It is one of the bodies which have survived the League.

Its limitations.

We have noted the achievements of the League and have seen where it had failed to achieve anything. This brings us to an important question: Why did the League fail in its supreme purpose of preventing the outbreak of a world war? The answer lies in the limitations in the organisation of the League of Nations. These limitations were the causes of its failure. They were the following:

1. The League was a non-sovereign, non-coercive organisation, while its members who were to obey it and were sovereign

and independent States. It means the League had no army, no police and no coercive power, while its members were armed with authority and sovereignty. When the Great Powers considered that its decisions were against their own national or imperialist interests, they refused to accept its resolutions and flouted it its authority. Japan, Italy and Germany left the League and refused to recognise it at all. England and France turned the League into an instrument of their own national and imperialist policies.

2. Even with the best of intentions, the League could not succeed, unless it had the power and authority to remove injustices all over the world. There were national oppressions, colonial enslavement, political domination and such other evils all over the world. But the League had no power to do justice to the oppressed and enslaved- peoples and nations. It had no authority to set subject nations free. It could not remove the colonial domination by Great Powers over the weak and enslaved nations. It could not change unjust frontiers. In short, it could not remove any one of the causes which troubled the world. It was created to maintain the *status quo.* But the new imperialist powers, like Germany, Italy and Japan, could not be satisfied without conquering the possessions of their rival imperialist powers, Great Britain, France and U.S.A. Hence the League of Nations failed, because it could not maintain a balance of power among the Great Powers, and redistribute conquered and enslaved lands among them. So, war between them became inevitable.

3. The League had no power to halt rearmament. An arms race of preparation for war started between Germany, Japan and Italy on the one side, and England, France, U S A., etc., on the other. This arms race led straight to the World War II.

4. The principle of sanctions was defective. A small country could be frightened or deterred by the international boycott or blockade. But a Great Power cannot be so deterred. Only an agreement among all the States of the world, big or small to maintain world peace could preserve peace and strengthen the League. World peace should be indivisible. But it was not so at that time. That is why the League failed in its purpose.

UNITED NATIONS ORGANISATION (U.N.O.)

Origin of the United Nations Organisation.

The League of Nations failed to prevent a new world war. The World War II (1939-45), more terrible, more destructive than the first one, was fought on much larger areas of Europe, Asia and Africa than the earlier one. The Second World War gave a new impetus and urge to set up a new world organisation to put an end to war and to preserve peace in the future. With this end in view, 43 Allied nations, fighting against Hitlerite Germany, Fascist Italy and Japan declared themselves as United Nations on January 1, 1942. At the end of the World War II, a world conference of 50 nations met at San Francisco, in U.S.A., from April to June, 1945. On the 26th June, 1945, a constitution of the United Nations was prepared, called the *Charter*. It was finally signed and ratified by the majority of the participating nations on 24th October 1945, when the United Nations Organisation *(U.N.O.)* came into being.

Aims of the U.N.O.

The aims and purpose of the U.N.O. can be briefly described in four words: (1) Security, (2) Human Rights, (3) Justice, and (4) *Welfare*.

The aims of the U.N.O. may be described in the words of the U.N. Charter itself. The preamble, *i.e.*, the Introduction of the Charter says:

(i) The first aim of the U.N.O. is "to save succeeding generations from the scourge of war, which twice in our life-time has brought untold sorrow to mankind." This is the aim of *security and maintenance of peace* throughout the world.

(ii) The second aim is "to reaffirm faith in the fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations, large and small." This is the aim of *maintaining human rights.*

(iii) The third aim of the U.N.O. is "to establish conditions under which justice and respect for the obligations, arising from treaties and other sources of international law can be maintained." This is the aim of *maintaining international justice and law.*

(iv) The fourth aim is "to promote social progress and better standard of life in larger freedom." This is the aim *of promoting Man's welfare and happiness.*

The United Nations Organisation is an international organisation of 160 sovereign States of the world, which have joined together under its Charter: (1) to maintain peace in the world and to prevent war and aggression, (2) to promote international co-operation and friendship among all nations of the world, (3) to develop their economic, social, cultural and intellectual life, and (4) to cement the ties of international brotherhood.

Its Constitution.

The United Nations Organisation is founded on these basic principles:

(i) All member-States are equal and sovereign.

(ii) All are pledged to fulfil their obligations under the Charter in good faith.

(vi) All are pledged to settle their international disputes by peaceful means.

(iv) In its international relations no member shall use or threaten to use force against the territory and independence of any State or behave in any manner inconsistent with the purposes of the United Nations.

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(v) All are-pledged to give every assistance to the United Nations when, in accordance with the Charter, it takes any action, and also not to *give assistance* to any State against which the United Nations is taking action to preserve or restore peace.

(vi) The United Nations shall not interfere in the internal matters of any State-except when it is acting to enforce international peace.

Keeping in view these aims and principles, the membership of the United Nations is open to peace-loving States which accept the obligations of the Charter mentioned above.

Organs of the U.N.O.

General Assembly

Secretary-General' Security International
Trusteeship
Secretariat Council Court of Justice
Council

Economic and
Social Council

I.L.O. F.A.O. W.H.O. UNESCOUNICEF ECE ECAFE
(Specialised Agencies) (U.N. Commissions)

The United Nations Organisation consists of six organs and several specialised agencies. Its organs are: the General Assembly, the Security Council, the Economic and Social Council (briefly called ECOSOC), the Trusteeship Council, the Secretariat and the International Court of Justice. Its specialized agencies are the International Labour Office (briefly I L.O.), the Food and Agricultural Organisation (F.A.O.), the United Nations Educational. Scientific and Cultural Organisation (UNESCO), the International Monetary Fund (I.M.F.). etc.

The General Assembly.

The U.N.O. has 159 members. Each member-State sends not more than five delegates to the General Assembly, but it has one vote. The General Assembly meets at least once a year in September. But if there is a threat to peace, it can be summoned to meet at any time of the year.

Decisions on important questions are made by a two-third majority of the members present and voting.

The General Assembly is really the legislative organ of the U.N.O. It performs or supervises all the functions for which the U.N.O. is established. It discusses any question relating to the maintenance of international peace and security, when it is brought before it by any member, or by the Security Council, It has the right to discuss and make recommendations on all matters within the scope of the Charter. It has also the right to discuss the powers and functions of all other organs of the U.N.O. They all submit annual and special reports to it. It elects the ten non-permanent members of the Security Council, the members of the Economic and Social Council and the elective members of the Trusteeship Council.

The Security Council.

It consists of 15 members, five permanent and 10 elected for two years. The five permanent members are U.S.A., U.S.S.R., U.K. France and China period the Security Council is the principal organ of the U.N.O., to preserve world peace and security. It performs the primary function of preserving peace for which the U.-N.O. was created. It has two functions, *firstly,* to promote the peaceful settlement of disputes between two or more States, and *secondly,* to stop aggression.

Each member of the Security Council has one vote. A decision on any matter other than a question of procedure is by an affirmative vote of ten members including the votes of the five permanent members, viz., U.S.A. U.K., USSR, China and France. This is the rule of "Great Power unanimity," popularly called the "veto". As the Security Council has the primary function of keeping peace all over the world, it is always vigilant. It is, therefore, so organised as to be able to work continuously.

The Security Council has the right to investigate any dispute or situation which may lead to a war between two or more countries. Such disputes or situations may be brought before the Security Council by one of its members, or any member-State, by the General Assembly or by the Secretary-General. It has the right to recommend ways and means of settling such international disputes peacefully and, if need be, it may itself lay down terms of settlement. In the event of a breach of international peace, the Security Council has power to take "enforcement" measures in order to restore international peace and security. These measures are economic boycott or use of armed forces.

The Economic and Social Council.

One of the chief functions of the U.N.O. is to promote the prosperity, welfare, and standard of living of all the countries of the world. This function is primarily performed by the Economic and Social Council.

The Council holds meeting at least twice a year. It consists of 27 members, nine of whom are elected each year by the General Assembly for a term of three years. The Council organises the work of the specialised agencies, like the I.L.O., F.A.O., and UNESCO. It also appoints commissions for particular aspects of its work. It also hears reports from regional economic commission, like ECAFE for Asia and Far East.

Trusteeship Council works for social, economic educational and other developments of the peoples living in Trust Territories.

Secretariat. Much of the work of the U.N.O. is performed by the Secretary-General and his staff. He may bring any matter which threatens world peace to the attention of the Security Council. The Secretariat now consists of about 4.500 employees of the U.N.O., from all nations of the world.

Lastly, the U.N.O. has several agencies. Commissions and organisations for special functions, such as food and agriculture, science, arts and education, atomic energy, etc. they all work for promoting progress and development in their special relevant fields. They are, for example, the UNESCO, the I.L.O., etc.

The UNESCO. It is the United Nations Educational, Scientific and Cultural Organisation. It is one of the *specialised agencies* of the U.N.O. It was established on November 4, 1946, with its headquarters at Paris, France.

Its Composition.

The UNESCO consists of 66 members. Some of them are U.S.A., U.K., France, Pakistan, and other nations. It consists of three organs, *viz.*, a General Conference, an Executive Board, and a Secretariat.

Its Functions.

The functions of the UNESCO are determined by the great purpose for which the U.N.O. is established, namely, to promote peace through collective security and the intellectual and social progress without which no just and lasting peace is possible. Broadly speaking, it has three functions as shown by its name, *viz.*, promotion of educational, scientific and cultural progress and development.

The International Labour Organisation (I.L.O.)

The I.L.O. was set up in 1919, along with the League of Nations. But it has continued to exist after the end of the League. In 1946, by an agreement with the U.N.O. the I.L.O. has become a "specialised agency" of the U.N.O.

Purposes and functions of the I.L.O.

One of the purposes of the U.N.O. is to promote human welfare and social justice. The I L.O. exists for this purpose. Its purpose is to maintain and improve the standard of living of the workers of the world.

The functions of the I.L.O. are: (1) the regulation of hours of work, including the establishment of maximum working day and week; (2) prevention of unemployment; (3) provision for adequate living wages; (4) the protection of the workers against sickness, disease and injury during work; (5) protection of the children, young persons and women; (6) provision for old age and injury; (7) freedom of association; (8) the organisation of vocational and technical education.

Its Composition.

The I.L.O. consists of 66 member-countries. It works through three organs. They are: (1) the Conference; (2) the Governing Body; and (3) the International Labour Office, or its Secretariat.

International Court of Justice.

The Covenant of the League of Nations had planned for the establishment of an international court. In 1921, a court was established, with the name of the Permanent Court of International Justice. This Court survived the League When the U.N.O. was established; the Permanent Court became an integral part of this Organisation, with the new title of the International Court of Justice. But as regards its composition, functions, and jurisdiction, there had been no change whatsoever.

Its Composition.

All the members of the U.N.O. are parties to the Statute of the International Court.

The Court consists of 15 judges, who hold their office for nine years. It has its seat at the Hague, Holland. The judges are chosen without regard to their nationality. They are elected by the General Assembly and the Security Council.

Its Jurisdiction.

The jurisdiction of the Court extends to all the cases which the member-States refer to it. The non-member-States can also refer their disputes to the Court on the condition of complying with its decision. But the States are not forced to submit their disputes or cases to the Court. The Court has the jurisdiction in the following cases: Cases of legal nature which involve *the interpretation of treaties,* and question of international law, *violation* of international obligations, and the nature and extent of *preparation* for the breach of international obligations.

A review of the work of the U.N.O.

From the brief survey of the work of the U.N.O., described above, we can say that the U.N.O. has been a far greater success than the old League of Nations. It has achieved much in many fields of international setup. Its work has been far greater and far more laudable than that of the old League. It must be remarked that the U.N.O. is working for more troubled and trying world of today than the League of Nations did during the two World Wars. During the last five decades since the end of the Second World War, the world has faced far greater dangers and perils than mankind has ever faced in all its history. The tensions and hatreds which divide the world today are far greater, deeper and more irreconcilable than ever before. The whole world is rent into blocs of small and big Powers. Each one of them is resolved to destroy the other by the horrible weapons of mass destruction which science and human ingenuity have invented. These Power blocs had fought war in Korea, in which the U.N.O. got far more involved than the old League ever was in the Wars of Japanese or Italian or Nazi aggressions in the thirties of the 20th century. Wars have been fought in Vietnam, in which the U.N.O. did nothing, because U.S.A. refused it, in the Middle Fast between Israel and the Arab nations, which the U.N.O. brought to a close by its resolutions. But Israel refuses to comply with them. Iraq and Iran war was however, also stopped by U.N.O. intervention. The Soviet aggression and intervention in Afghanistan was stopped by Geneva Agreement under the auspices of the U.N.O. All this goes to the credit of the U.N.O.

The U.N.O. has failed in many cases. It has failed to solve the Kashmir question. It has failed to keep the aggressive Israel within those boundaries which the U.N.O. had itself defined in 1949. It has failed to solve the tragic problems of recent Israeli aggression against the Palestinian Arabs. It has failed in Korea. It has failed to stop the armament race for more and more deadly weapons. It failed to restrain Indian aggression against East Pakistan in 1971. There are several other failures of the U.N.O. It has failed to stop Soviet intervention in Afghanistan in December, 1979. It did not check the war between Iran and Iraq except at the tail-end of the conflict when both Iran & Iraq became tired of further warfare. It took no notice of Indian aggression in Sri Lanka in 1988-89. It has failed to prevent genocidal suppression of the Palestinians by Israel in the occupied West Bank and Gaza territories during 1988. It has failed to render any help to the Black freedom fighters in South Africa against apartheid policy of the racist South African Government.

In spite of its failures, the U.N.O. has been successful in many fields. It has brought about the withdrawal of foreign troops from Iran, Syria, Lebanon and Egypt. It has successfully mediated in the quarrel between Holland and Indonesia, and secured Indonesia's freedom and independence from her Dutch masters. The Commission on Human Rights agreed upon a Universal Declaration of Human Rights on 10th December, 1948. A world-wide network of U.N.O. agencies, commissions, etc., is working in several fields of all kinds in almost all countries of the world. They are fighting diseases, famines and floods. They are surveying and organising hundreds of economic, social and other works. So, this World

Organisation cannot be called a failure. If it is has failed in certain respects, it is due to the principle of State Sovereignty.

PROBLEMS OF INTERNATIONAL RELATIONS

Condition of the World Today.

The brief survey of the international organisations given above reveals the condition of the world today. It shows that our world has become a small and highly interdependent world. Many forces and factors have knit it into One-world of humanity, linked by ever-growing ties of industry, arts, science and culture. They have generated feelings of world unity, and cooperation which are bringing various nations and States together and promoting international relations and friendship. On the other hand, the world today is also torn by powerful forces of mutual hatred and discord among the nations, divided as they are by differences of culture, religion, national sovereignty and ideology. Terrible weapons of mass destruction threaten to destroy the world and wipe out the human race. The burden of rearmament has become unbearable for the nations today, partly because of the tremendous cost of the modern nuclear and non-nuclear weapons and the huge war-budget of the modern States and partly because money and capital which are required for economic, cultural and educational development plans, are wasted in senseless arms race between the States preparing for their small and big wars, especially the "third world war". Mankind is, indeed, on the horns of a dilemma. It is threatened to be destroyed not only by the "hot war" and its nuclear weapons of mass destruction but also in times of peace due to its huge war-budgets and high cost of war-preparation, which is a colossal waste of human resources in men and materials. They also cause poverty and misery all over the world. So the world today has reached a stage where the very thought of preparing for a war has become a burden and a disaster. Hence the need is to stop arms race and disarm the nations of the world which are now armed to the teeth.

From this condition of the world today three problems emerge. They are: *firstly,* the need for collective security; *secondly,* the problem of disarmament; and *thirdly,* the question of world-government or world-State.

Collective Security.

In modern times, the danger of clash of arms has increased manifold, because the contacts between nations have increased, as the world has become small. Every State is surrounded by several enemies around it, far and near. But at the same time war has become so expensive and so wasteful that no single State can fight it unaided. It is, therefore, increasingly felt that all or several States should pool their resources and armaments together to defend one and all. Such a scheme is called collective security. It is a system of treaties and agreements by which the national security and territorial integrity of each country is guaranteed by other allied countries. The best form of collective security is when all States will join together to defend each one. Peace is said to be indivisible. Two or more nations cannot be allowed to fight each other without endangering the peace and security of all others. But as this ideal of collective security on the global scale is not practicable, collective security on a lesser scale is suggested in the form of regional security pacts of some countries.

The principle of universal collective security was first embodied in the Covenant of the League of Nations. But it did not work properly due to the narrow-minded interests of the Great Powers, like Great Britain, France and the emergence of aggressive dictatorships in Fascist Italy, Nazi Germany and Japan. When the United Nations Organisation was set up in 1945, the principle of collective security was embodied in its Charter too. The Security Council is made the agency of ensuring collective security of the nations of the world. It requires the acceptance by individual countries of collective decisions and their willingness to carry out these decisions, if necessary, by military action. But the scheme of collective security is the subject to one condition, namely, the principle of unanimity of the five Great Powers (U.K., U.S.A., USSR, France and China), popularly called the *"veto"*. If any one of these Great Powers votes against the majority decision of the Security Council to take action against an aggressor, it will not be carried out. The question can then be referred to the General Assembly, where the Veto' docs not obtain.

Owing to the defective operation of the universal collective security in the United Nations Security Council, collective security schemes on a restricted scale have been adopted by some States. They are called regional security schemes and alliances. A regional security scheme is an attempt of the like-minded nations and States to establish a regional security system for their own interest and areas. It is on the pattern of limited collective security schemes that the NATO alliance of the Western Powers, the Warsaw Pact of the Communist countries of Eastern Europe came into being to maintain and promote their influence and interests and control other parts of the world. With the changes in Eastern Europe, the Warsaw Pact has become weak. Hence question is raised: should the NATO alliance be maintained? Only future developments can answer the question.

Disarmament.

Arms and weapons of war have greatly multiplied in number and kinds in the present times. These are the old weapons, like the guns and rifles, bombs and bullets, called the conventional weapons. They kill only one or a few individuals at a time. On the other hand, there are the new weapons of mass destruction, like the atom and hydrogen bombs, rockets and missiles, capability of destroying whole cities, provinces and even nations at a single blow. They are the nuclear and thermo-nuclear weapons of mass destruction, threatening to wipe out the whole humanity from the face of the earth. The increasing armament of both conventional and unclear weapons has become one of the most important and the most difficult problems of the world today. Economically and financially armament has become an unbearable burden, and militarily a terrible danger of total destruction.

Its solution is disarmament. But the term disarmament is itself difficult to define, for it means differently to different peoples. It has at least three meanings. *Firstly,* it means the reduction of armament and armed forces of the various States of the world. *Secondly,* it means a control over armament in order to regulate the production of war-weapons and thus check the war-preparation of the various States. *Thirdly,* it means the complete and universal renunciation of all weapons of war and the total disbandment of all kinds of armed forces, -air, naval, military and space.

Historically speaking, the question of disarmament was first put before the world in 1918 at the end of the First World War. At that time it only meant the reduction of armament. Many unsuccessful attempts were made between 1918 and 1939 to reach international agreement on the limitation of armament. But they ended in failure due to the reluctance of U.K., France, U.S.A., Japan and other Great Powers to endanger their imperialist interests, occupation of territories of other nations, colonies established elsewhere and possessions by reducing their armed forces and armament.

After the Second World War, the disarmament question assumed still greater and more urgent proportions due to the invention of atomic and hydrogen bombs and more recently by that of the inter-continental rockets and missiles and the yet little-known poison and germ weapons of the biological and chemical warfare. That is the reason why Article 26 of the United Nations Charter provides that the Security Council should draw up plans for the regulation of armament.

For this purpose, the United Nations set up in 1946 the Atomic Energy Commission for the elimination of the use of atomic energy for destructive purposes and in 1947 the Commission for Conventional Armament, "for the general regulation and reduction of armaments and armed forces." But little progress was made in these Commissions. However, in 1951, the two Commissions were merged into the United Nations Disarmament Commission. In fact, the question of disarmament has now become more complicated than that of mere regulation of armament. Disarmament now means not only the reduction of armament but the need for international control, supervision and inspection of such reduction of weapons. Nevertheless, no agreement except the Partial Test Ban Treaty of 1971 has hitherto been entered into between the Western and Soviet bloc countries. They differ on such questions as the immediate prohibition of the production and test of nuclear weapons, the nature of international supervision and inspection, the phasing of the reduction of armed forces, etc. new variant to the meanings of disarmament is the demand for total and universal disarmament. It means total and universal disarmament and destruction of all weapons of war, both conventional and nuclear and the total disbandment of all armed forces, leaving only police force for internal security and defence of the individual States. But such proposals are not acceptable to the Super Powers. Moreover, there is no guarantee that all nations of the world would be ready to surrender all their arms and armed forces.

Indeed, the question of disarmament is not so easy solution as it seems. It is not merely a problem of throwing the weapons of war into the sea or disbanding the armies, navies and air forces of the world. It is a question closely related to the questions of the national economies of the States, their national security and defence, and the protection and defence of the national interests, and advantages, military and other bases in foreign lands and the spheres of influences and military alliances. Furthermore, disarmament is also a problem pregnant with great social and economic consequences. What would the nations do with the immense amounts of money which they now spend on their war-budgets"? Indeed, the national prosperity and economy of great States e.g., U.S.A., U.S.S.R, and others depends upon the huge armament factories and plants which provide employment to millions of workers, technicians, engineers and scientists and great profits to the armament manufacturers. Where would the workers and scientists go and where from the profits come if there is a sudden total and universal disarmament? Should there be not a phased disarmament so that these millions might be absorbed in the national economy in a gradual manner? Apparently any scheme of disarmament must be gradual and phased so that it may not disrupt the national economy of the States and may not throw the world economy out of gear. But a slow and phased disarmament has its own dangers. The danger is that one or more slowly disarming States may at any moment stop the process of disarmament and start rearming once again and launch the world into an armament race once more and thereby again raise the spectre of the third world war. One solution of these dangers and difficulties is to establish a world-State.

THE WORLD-STATE

The Idea of the World-State.

The idea of a world-State is one of the oldest dreams of mankind. Great religions have preached it, though in the vague terms of human brotherhood. Great thinkers, like Kant, have taught it in more explicit, albeit impracticable, terms. Great conquerors, like Alexander, Timor the Lame, and Napoleon, built vast empires as the foundation-stone of a world-State. While these were mostly individual efforts, more collective efforts have

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been made in recent times. The League of Nations was founded with a dim hope that it would become a world-State in the future. At present, the United Nations Organisation has been established with more explicit hopes that it would become a world government in not too distant future. But in spite of these dreams, hopes and plans, the concept of a world-State is not feasible, and is beset with many difficulties.

Difficulties of the World-State.

The idea of a world-State is easy to dream of, but difficult to realise. Any idea of establishing the world-State is always confronted with several difficulties and opposition. They are, to mention a few, the concept of national sovereignty of the modern States, the global interests and designs of some Great Powers and even of some lesser Powers like Israel and India, the difficulties of disarmament, the desire of certain States to maintain the international *status quo,* which means to maintain the unjust frontiers of certain States and the suppression of the urge for national independence and self-determination of subject nationalities and minorities in various multinational States of today, the parochial and selfish outlook and ideologies of certain nations and States, cultures and religions and the national prejudices and hatreds, ambitions and designs of several States and governments.

Factors in favour of the World-State.

At the same time, there are several tendencies and forces in the modern world which favour the establishment or the emergence of the world-State. They are, to mention a few, the terribly destructive power of the nuclear and thermo-nuclear and other weapons of mass destruction, the need for world-wide collective security, the need to ban nuclear tests, the great scientific and technological advances in industry, communication and transport, the ever-closer interdependence of the world-economy and industry, the growth of a universal human culture and the demand for equality of nations and peoples, etc. In other words, the ancient barriers of colour, class, creed and clime are crumbling down before the advance of modern science and intellect, industry and technology, culture and arts, which are knitting the whole humanity into ever closer bonds of mutual aid, understanding and fraternity.

So, there are two contradictory tendencies in the world today, one threatening it with total destruction and annihilation and the other making it one-world of the whole mankind. It is in the context of these conflicting tendencies that we have to consider whether the world-State is a feasible concept or not.

How to set up the World-State.

There is no unanimity of opinion among the thinkers and planners of the world-State as how to establish it. Some propose a world federation of the existing States in the world. Others propose the transformation of the United Nations Organisation into a world-government. Still others hope that the present regional alliances, like the NATO, would one day emerge into a world-government. Socialist movements and Communist panics aim at a socialist or communist world order or society as their ultimate goal. Some plan to establish an international police force which will replace the armies of the various States. But all these plans and proposals have remained on paper only.

Arguments for the World-State.

Many arguments have been given by eminent writers in favour of a world-State or universal State, as summarised here:

1. ***Nationalism and national State are dangerous.***

Nationalism is a great force in the world today and the national State is a very popular way of organising political life. But both nationalism and national State have proved to be a very fertile source of war and hatred, jealousy and antagonism in the world. The only way by which mankind can rid itself of the dangers of endless wars and feuds among nations is to organise a world-State. It will abolish national States and deprive the warring nations of their sovereign power to wage war on each other. Instead of national States and national sovereignty, the world State will consist of autonomous units of the world-wide political union. National disputes will then be settled peacefully rather than by war, just as the disputes between two citizens are now settled peacefully in the courts of law rather than by family vendetta as it used to be in the past.

2. ***The world-Stale will end wars.***

In the past, wars were petty affairs of kings and warriors and were confined to the armies fighting on the fields of battle. But in modern times, they have become very costly, burdensome, very destructive and global in their consequences. Moreover, they now make no distinction between the combatants and non-combatants, citizens and soldiers, battlefields and peaceful towns and cities. If mankind is to escape from utter destruction of the modern weapons of war, it will have to federate or unite into a single world State, which alone will put an end to wars for all times.

3. ***World-State will eliminate discord and waste.***

World-State is also an economic necessity. National States seek selfish ends and narrow gains, without caring for the needs and sufferings of other peoples and countries. Economic competition and rivalry causes much wastage of economic resources. World prices of various commodities are artificially kept high by certain States in order to make great profits, while there is scarcity, famine and starvation in other parts of the world. There is over-production in some States, while poverty, misery and under-nourishment exist in others. Such inequalities, waste and sufferings can be removed from the face of the earth by establishing the world-State. It will put an end to the exploitation and oppression of one nation by another. The productive resources of one country will benefit others. The surplus production in one country will be available to other parts of the world. In short, a world economy will replace the wasteful anarchy that exists today. Moreover in the present-day interdependent world, the world-State will foster the growth of a world economy and industry which will benefit all nations equally and equitably.

4. ***Sense of world-unity is growing in the world today.***

There is also a revolution in man's way of thinking and belief today. In the past ages, man lived in isolated communities and regions, behind the barriers of culture and beliefs of local nature. Localism, even parochialism, was the order of the day in the past. They had divided mankind into small and separate communities of tribes and towns, villages and localities. But progress in science and means of communication has broken down these barriers of localism and parochialism. Now localism is replaced by a growing idea of internationalism and universalism. World public opinion is growing up in many ways, and a world culture or a world-wide uniformity of opinions, beliefs and ideas is coming into being. This has created a sense of world-unity and a belief that this earth is one-world of the whole mankind. We find free exchange of ideas and techniques among the scientists, philosophers, engineers, thinkers, artists and men of literature. This growing unity of thought, beliefs and opinions is creating a world-consciousness among large numbers of peoples in all countries of the world. This is one of the most powerful psychological and intellectual force working in favour of the emergence of the world-State.

Arguments against a World-State.

The idea of world-State is opposed and criticised by many writers, thinkers and Statesmen as a visionary and unpractical dream. They point out a number of reasons and tendencies which make it an impossible and unrealisable ideal, as given below:

1. ***National interests of the existing States are opposed to this idea.***

The idea of the world-State is unacceptable to the existing States, big or small. The Great Powers do not like world-State, because it will deprive them of all that makes them great, while the super Powers as Great Britain, France and others will be gone as soon as a world-State comes into being, will lost their special position U.S.A. and the Soviet Union, which dominates politically and economically less fortunate nations and countries. At the same if the world-State is established shad, the neo-imperialist powers, like Israel or India will have to give up their ambitions and designs of conquering their neighbours hear and far and to become new world powers or super powers. The national interests of these powerful or ambitions States demand that the present international order must be maintained. A world-State will strike a death-blow to the interests, designs and aspirations of these countries. Even the small States do not like the idea of a world-State, because it will merge them into a world-organisation in which they will not enjoy any distinctive existence or entity, as they do at present.

2. ***It is difficult to organise a world-State.***

The idea of a world-State is an impossible and impracticable idea. The world State cannot be organised on any one of the well-known principles of Political Science. Should the future world-State be monarchical or republican, unitary or federal, capitalistic, communistic, democratic or dictatorial? If it is to be monarchical, who will be king of the world? If it is to be republican, what shall be its actual form — aristocratic, democratic, parliamentary or presidential? If it is to be unitary, what to do about the differences of national cultures and laws? Where will be its capital? How will its parliament and cabinet be formed? If a federation, how will different nations, big and small, be represented in it? If it will be on population basis, will not be populous countries, like India and China, dominate it⁰ Will not then small nations with small populations become the slaves of the populous countries, because they will have no voice or place in such a world-government? If so, the world-State will be based on new injustices and tyrannies of the countries with big populations. Moreover, what will be the official language or languages of the world-State? These are some of the questions which defy solution and make the ideal of world-State to impracticable and Utopian.

3. ***The world-consciousness is cither non-existent, vague and rudimentary:***

The critics of the idea of the world-State point out the fact that there is no world-consciousness, no world public opinion. There is only a vague notion of the world-wide movements and tendencies, confined mostly to a few educated. Overwhelming majority of mankind still thinks in terms of national interests and well-being. The national outlook still pervades the minds of the people everywhere in the world. Everyone thinks first of his country and then of other countries. In all international disputes, Statesmen and peoples seek to defend the interests and advantages of their own countries and peoples. They have no idea and no interest in the common interest and well-being of the mankind as a whole. National self-interest is the law and the logic of the international relations and dealings even today. Hence there is no world-conscience and no world public opinion, without which the idea of the world-State is an empty dream or a remote possibility.

4. ***The U.N.O. cannot emerge into a world-State.***

Its critics also reject the idea that such international organisations as the U.N.O. can emerge into a world-State in the future. They point out the shortcomings of the U.N.O, and the bickering in the U.N. General Assembly, where every international dispute is viewed solely from national standpoint of each member-State. Moreover, the U.N.O., like the League of Nations, has failed in many cases to solve the disputes on a global basis, such as the Korean War, the Middle East crisis today, the question of Arab Palestine, the Kashmir dispute, the U.S. aggression in Viet Nam, the Berlin crisis, the Soviet aggression, in Afghanistan and so on. In all these disputes, it has proved itself to be as ineffective and helpless as the League of Nations was before it. Moreover, the very principles on which the U.N.O. is based are against its becoming a world-government. It acts through the support of the Big Powers, especially the two Super Powers U.S.A. and Russia. When this support is not forthcoming, it does nothing. It has no sovereign authority. It has no international police force and no executive authority to act on its own rights or enforce its decisions.

5. ***A world-State will retard progress, abolish competition and suppress individual liberty.***

The world-State is also an undesirable ideal on moral and progressive basis. Human progress has been possible due to national differences in outlook and culture and by competition between these different and diverse attitudes and aims. But the world-State will substitute these differences by a dull uniformity of thoughts, ideals and institutions all over the world. It will thus mould human life into a single pattern, in which there will be no competition, no variety and no diversity of cultures, thoughts, customs and institutions, and also no liberty for each nation to live in its own way. Individual and national liberty will be replaced by the dull uniformity of a world-culture, world-language and world-outlook. Such a dull uniformity of thought and belief and institutions will put an end to all human progress. The very charm of human existence would then vanish from the world.

Conclusion.

Looking towards twenty-first century. The idea of a world-State is, indeed, a difficult, if not an impossible ideal. The very proposal of establishing a World State provokes some deep-seated moral, political, psychological, economic, national and international complications and objections. Nevertheless, there are also a number of trends and developments in human life, culture, society, science, technology and politics which are tending towards the emergence of a world State in some form or other in near or distant future. The history of mankind today has reached a stage where a world-State in some shape or other is bound to emerge or the world of Man is to meet with an utter destruction and extinction by the terrible forces of modern warfare and human ingenuity to kill each other. A global holocaust threatens mankind in the form of nuclear weapons and missiles, including those of the so-called "Star Wars" or the

S.D.I. (Strategic Defence Initiative), of U.S. devising, which will be unleashed once a new world war breaks out. Only a world-State or world-government can effectively save mankind from this terrible fate. Moreover, the arguments that the world-State would suppress individual liberty, retard progress and create a dull uniformity are also not valid. A World-State, consisting of various national units, of different cultures and different historical origins and languages, may stimulate greater efforts, energy and activity by their inter-stimulation and intercourse than 'the present-day mutual hatreds and threats of mutual destruction and wars. The idea of a world-State may be distant ideal, but it is very much in the shape of things to come, thanks to the evolution of modern science, industry, technology, tele-communication and information explosion also lead mankind to the age-old dream of human brotherhood and equality. Will this dream become a reality in the human world of the twenty first century?